

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION I

In re Personal Restraint  
Petition of

ANTHONY BRADLEY,  
Petitioner.

81045-1  
No. 60520-8-I

STATE'S RESPONSE TO  
PERSONAL RESTRAINT  
PETITION

FILED  
COURT OF APPEALS DIV. #1  
STATE OF WASHINGTON  
2007 NOV -8 PM 4:47

A. AUTHORITY FOR RESTRAINT OF PETITIONER.

Anthony Bradley is restrained pursuant to judgment and sentence in King County Superior Court No. 02-C-04718-8 SEA and 02-1-07413-4 SEA. Appendix A and C.

B. ISSUES PRESENTED.

Whether this petition should be granted in part and dismissed in part where his judgment and sentence in Cause No. 02-C-04718-8 SEA is incorrect and where the judgment and sentence in Cause No. 02-1-07413-4 SEA is correct.

STATE'S RESPONSE TO  
PERSONAL RESTRAINT PETITION

C. STATEMENT OF THE CASE.

Cause No. 02-C-04718-8 SEA.

Anthony Bradley pled guilty to the crime of possession of cocaine on September 26, 2002. Appendix B. The crime occurred on May 31, 2002. Appendix B. Pursuant to the plea agreement, Bradley agreed to the prosecutor's statement of his criminal history, and that his standard range was 33-43 months based on an offender score of eight. Appendix B. Bradley received a Drug Offender Sentencing Alternative (DOSA) consisting of 19 months of confinement and 19 months of community custody to be served concurrently with Cause No. 02-1-07413-4 SEA. Appendix A. The judgment and sentence was filed with the clerk of the trial court on October 17, 2002. Appendix A. Bradley did not appeal.

Cause No. 02-1-07413-4 SEA.

Bradley pled guilty to the crime of possession of cocaine with intent to deliver on September 26, 2002. Appendix D. The crime occurred on August 16, 2002. Appendix C. Pursuant to the plea agreement, Bradley agreed to the prosecutor's statement of his criminal history, and that his standard range was 87-116 months based on an offender score of nine. Appendix D. Bradley received a Drug Offender Sentencing Alternative (DOSA) consisting of 50.75

months of confinement and 50.75 months of community custody to be served concurrently with Cause No. 02-C-04718-8 SEA.

Appendix A. The judgment and sentence was filed with the clerk of the trial court on October 17, 2002. Appendix A. Bradley did not appeal. A prior personal restraint petition, No. 53154-9-I, challenging the calculation of his offender score was dismissed on May 18, 2004. Appendix E.

D. ARGUMENT.

1. IN CAUSE NO. 02-C-04718-8 SEA BRADLEY WAS SENTENCED WITH AN INCORRECT OFFENDER SCORE AND STANDARD RANGE.

Bradley contends that his sentence is invalid because his offender score was incorrectly calculated. He appears to be correct.

An appellate court will grant substantive review of a personal restraint petition only when the petitioner makes a threshold showing of constitutional error from which he has suffered actual prejudice or nonconstitutional error which constitutes a fundamental defect that inherently resulted in a complete miscarriage of justice.

In re Cook, 114 Wn. 2d 802, 813, 792 P.2d 506 (1990). A

miscalculated offender score constitutes a fundamental defect that

inherently results in a complete miscarriage of justice. In re Johnson, 131 Wn.2d 558, 933 P.2d 1019 (1997). However, the petitioner bears the burden of showing that his offender score was incorrect. In re Connick, 144 Wn.2d 442, 28 P.3d 729 (2001).

No petition collaterally attacking a judgment and sentence may be filed more than one year after the judgment becomes final, if the judgment and sentence is valid on its face and was rendered by a court of competent jurisdiction. RCW 10.73.090(1); see In re Runyan, 121 Wn.2d 432, 444, 449, 853 P.2d 424 (1993). A judgment becomes final on the date that it is filed with the clerk of the trial court if no appeal is filed. RCW 10.73.090(3).

The judgment in this case became final on October 17, 2002, when it was filed with the clerk of the trial court. Appendix A and C. This petition was filed more than four years later.

However, the one-year time limit only applies if the judgment and sentence is "valid on its face." RCW 10.73.090(1). A judgment is valid on its face unless the judgment evidences an error without further elaboration. In re Thompson, 141 Wn.2d 712, 10 P.3d 380 (2000). Facial invalidity has been interpreted to include those documents signed as part of a plea agreement as well as the judgment and sentence itself. State v. Robinson, 104 Wn. App.

657, 17 P.3d 653 (2001). The documents of the plea can inform the inquiry as to whether the judgment and sentence is invalid on its face. State v. Hemenway, 147 Wn.2d 529, 55 P.3d 615 (2002).

In State v. Smith, 144 Wn.2d 665, 30 P.2d 1245 (2001), the supreme court held that juvenile adjudications that "washed out" prior to the 1997 amendment of RCW 9.94A.360 cannot be revived for purposes of calculating a defendant's offender score. Prior to 1997, juvenile adjudications for offenses not classified as sex offenses or serious violent offenses were not counted if the offender was less than 15 years old at the time the offense was committed. In addition, class B and C felonies that occurred when the defendant was 15 years or older "washed out" when the defendant reached the age of 23. Former RCW 9.94A.360(4).

In 1997, RCW 9.94A.360 was amended to provide that juvenile adjudications are counted in the offender score in the same manner and subject to the same wash-out rules as adult convictions. Nonetheless, the supreme court held that the 1997 amendments did not "revive" previously "washed out" juvenile adjudications. Smith, 144 Wn.2d at 670-71. The court's holding was predicated on its view that neither the 1997 amendment, or an

additional 2000 amendment, were intended to be applied "retroactively." Smith, 144 Wn.2d at 665.

In 2002, the legislature enacted RCW 9.94A.525, which again applied the same "wash-out" principles to both adult conviction and juvenile adjudications. RCW 9.94A.525(2). However, unlike the previous amendments, the supreme court held that the 2002 amendments allow for the inclusion of juvenile offenses in the offender score for crimes committed after June 13, 2002. State v. Varga, 151 Wn.2d 179, 86 P.3d 139 (2004).

Because Bradley's crime occurred on May 31, 2002, the reasoning of Smith applies. Thus, all of Bradley's juvenile offenses "washed out" for purposes of this conviction on his 23<sup>rd</sup> birthday, on September 16, 1997. Only his prior adult convictions should have been included in his offender score.

The crime of possession of cocaine is not a "drug offense" as defined by RCW 9.94.030(20). As such, RCW 9.94A.525(7) applies and provides that all adult prior felony convictions count one point. Additionally, pursuant to RCW 9.94A.525(1) and RCW 9.94A.589(1)(a) convictions entered or sentenced on the same date are included in the offender score as current offenses. Thus, Bradley's offender score should have been calculated as follows:

Other current offense:		
2002 Possession with intent	=	1 point
Prior convictions:		
1992 Delivery of Cocaine	=	1 point
1993 Possession of Cocaine	=	1 point
1993 Attempting to Elude	=	1 point
1994 Possession of Cocaine	=	1 point
1994 Possession of Cocaine	=	1 point
1997 Delivery of Cocaine	=	1 point
Total points	=	7 points

Bradley should have been sentenced with an offender score of seven, rather than eight. He should have been advised that his offender score was 22 to 29 months rather than 33 to 43 months.

2. IN CAUSE NO. 02-1-07413-4 SEA BRADLEY WAS SENTENCED WITH A CORRECT OFFENDER SCORE AND STANDARD RANGE.

Bradley also contends that his offender score in Cause No. 02-1-07413-4 SEA was incorrectly calculated. He is mistaken.

The crime at issue in this cause number was committed on August 16, 2002, after the 2002 amendment to the scoring rules went into effect. Thus, Bradley's juvenile adjudications were properly included in his offender score.

The crime of possession with intent to deliver cocaine is a drug offense as defined by RCW 9.94A.030(20). RCW 9.94A.525(7) governs calculation of Bradley's offender score

because he has no prior convictions for sex or serious violent offenses. RCW 9.94A.525(12). RCW 9.94A.525(7) provides that all adult prior felony convictions count one point, prior juvenile violent adjudications count one point, and prior juvenile non-violent adjudications count one-half point. Thus, Bradley's offender score is as follows:

Other current offense:		
2002 Possession of Cocaine	=	1 point
Prior adult convictions:		
1992 Delivery of Cocaine	=	1 point
1993 Possession of Cocaine	=	1 point
1993 Attempting to Elude	=	1 point
1994 Possession of Cocaine	=	1 point
1994 Possession of Cocaine	=	1 point
1997 Delivery of Cocaine	=	1 point
Prior juvenile adjudications:		
1988 Delivery	=	½ point
1989 Possession	=	½ point
1989 Deliver	=	½ point
1989 Possession	=	½ point
1991 Possession With Intent	=	½ point
Total points =		9 ½ points

Rounded down to the nearest whole number as provided by RCW 9.94A.525, Bradley's offender score was properly calculated to be nine, and his standard range was properly calculated to be 87 to 116 months. The judgment and sentence in Cause No. 02-1-



07413-4 SEA is valid on its face, and Bradley's challenge to that judgment should be dismissed as untimely.

It should also be dismissed as successive. RCW 10.73.140 bars the Court of Appeals from considering a collateral attack when the petitioner has previously filed a personal restraint petition unless the petitioner shows good cause why the ground currently asserted was not raised earlier. This statutory bar includes all collateral attacks, including habeas corpus petitions. In re Becker, 143 Wn.2d 491, 496, 20 P.3d 409 (2001). Moreover, RAP 16.4(d) provides, in part, that "[n]o more than one petition for similar relief on behalf of the same petitioner will be entertained without good cause shown." This prohibition applies to both this Court and the supreme court. In In re Haverly, 101 Wn.2d 498, 503, 681 P.2d 835 (1984), the supreme court held that the phrase "similar relief" used in RAP 16.4 means a renewal of "grounds previously heard and determined." Bradley already challenged the calculation of his offender score in a previous personal restraint petition.

Appendix E. Consideration of this petition is barred by RCW 10.73.140 and RAP 16.4(d).

3. BRADLEY HAS FAILED TO ESTABLISH THAT  
WITHDRAWAL OF HIS PLEAS IS NECESSARY TO  
CORRECT A MANIFEST INJUSTICE.

Bradley contends that due to the error in the offender score in Cause No. 02-C-04718-8 SEA he should be allowed to withdraw his pleas. However, because he was not prejudiced by this error, withdrawal of the pleas should not be allowed.

The constitution requires that a plea of guilty be voluntary. State v. Barton, 93 Wn.2d 301, 304, 609 P.2d 1353 (1980). CrR 4.2 provides additional safeguards. Barton, 93 Wn.2d at 304. That rule requires that a defendant be informed of all direct consequences of the plea. Id. at 305. A direct consequence of a plea is a consequence that "represents a definite, immediate and largely automatic effect on the range of the defendant's punishment." State v. Mendoza, 157 Wn.2d 582, 588, 141 P.3d 49 (2006) (quoting Barton, 93 Wn.2d at 305).

CrR 4.2(f) provides that courts should allow a defendant to withdraw a guilty plea when withdrawal is necessary to correct a manifest injustice. Barton, 93 Wn.2d at 306. The failure to advise a defendant of the direct consequences of the plea constitutes a manifest injustice. Id. Thus, generally speaking, a defendant may move to withdraw his plea of guilty if he is misadvised as to the

standard range regardless of whether the correct range is higher or lower than anticipated. Mendoza, 157 Wn.2d at 591. However, in the unique circumstances presented here, the standard range as to possession of cocaine was not a direct consequence of Bradley's plea.

The pleas to possession and possession with intent to deliver were entered on the same date and the two cases were sentenced on the same date. The parties agreed that the time served on both cause numbers would be served concurrently, as mandated by RCW 9.94A.589(1).<sup>1</sup> Because Bradley's sentence on the possession charge was to be served concurrently with his sentence on the possession with intent charge, for which the standard range was 87 to 116 months, the difference between a standard range of 22 to 29 months or 33 to 43 months did not have a definite, immediate or automatic effect on the range of Bradley's total punishment: he is serving 87 months total incarceration either way.

This case is analogous to State v. Oseguerra-Acevedo, 137 Wn.2d 179, 970 P.2d 299 (1999). In that case, the defendant was

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<sup>1</sup> RCW 9.94A.589(1) provides that sentences for two or more current offenses "shall be served concurrently."

not informed during the plea process that he would be required to serve one year of community placement. Id. at 185. While the supreme court had previously held that community placement was a direct consequence of a plea, a plurality of the court held that in Oseguerra-Acevedo's case, community placement was not a direct consequence of his plea because he was facing deportation immediately upon release. Id. at 198. Justice Johnson concurred in the result, but dissented from the plurality's conclusion that community placement was not a direct consequence because deportation was not a certainty. Id. at 204 (Johnson J., concurring). Justice Alexander dissented, but stated that he would have agreed with the majority if deportation was a "certainty." Id. at 207 (Alexander, J., dissenting). In contrast, in the present case, it was a certainty that Bradley would receive a concurrent sentence of at least 87 months total confinement, or a DOSA consisting of 50.75 months of confinement and 50.75 months of community custody, as to possession of cocaine with intent to deliver. Thus, his much lower standard range on the possession charge was not a consequence with a definite, immediate and automatic effect on Bradley's total punishment. It was not a direct consequence of the plea. The misadvisement as to the standard range in Cause No.

02-C-04718-8 SEA did not render the pleas involuntary. Bradley has failed to establish that withdrawal of the pleas is necessary to correct a manifest injustice.

E. CONCLUSION.


This petition should be granted in part only, and the matter remanded to correct the judgment and sentence in King County Cause No. 02-C-04718-8 so that it reflects the correct offender score, standard range and sentence. As to King County Cause No. 02-1-07413-3 SEA, the petition should be dismissed.

DATED this 8th day of November, 2007.

Respectfully Submitted,

NORM MALENG  
King County Prosecuting  
Attorney

DAN SATTERBERG  
Interim King County Prosecuting  
Attorney

by   
ANN SUMMERS, #21509  
Senior Deputy Prosecuting  
Attorney  
Attorneys for Respondent  
Office ID #91002

W554 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104  
(206) 296-9650

## APPENDIX A

PRESENTING STATEMENT & INFORMATION ATTACHED

VUCSA OVER 21

OCT 17 2002

COMMITMENT ISSUED

FILED

02 OCT 17 AM 10:00

KING COUNTY  
SUPERIOR COURT CLERK  
SEATTLE, WA.

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

Vs.

Anthony bradley

Defendant,

No. 02 C047188SEA

JUDGMENT AND SENTENCE  
FELONY

I. HEARING

I.1 The defendant, the defendant's lawyer, Julie A. Gaistford, and the deputy prosecuting attorney were present at the sentencing hearing conducted today. Others present were: F. Chalvers

II. FINDINGS

There being no reason why judgment should not be pronounced, the court finds:

2.1 CURRENT OFFENSE(S): The defendant was found guilty on Sept 26 '02 by plea of:

Count No.: I Crime: VUCSA - poss. Cocaine  
RCW 69.50.401(a)(1)(i) Crime Code: \_\_\_\_\_  
Date of Crime: may 14 2002 Incident No. 02-368236

Count No.: \_\_\_\_\_ Crime: \_\_\_\_\_  
RCW \_\_\_\_\_ Crime Code: \_\_\_\_\_  
Date of Crime: \_\_\_\_\_ Incident No. \_\_\_\_\_

Count No.: \_\_\_\_\_ Crime: \_\_\_\_\_  
RCW \_\_\_\_\_ Crime Code: \_\_\_\_\_  
Date of Crime: \_\_\_\_\_ Incident No. \_\_\_\_\_

Count No.: \_\_\_\_\_ Crime: \_\_\_\_\_  
RCW \_\_\_\_\_ Crime Code: \_\_\_\_\_  
Date of Crime: \_\_\_\_\_ Incident No. \_\_\_\_\_

[ ] Additional current offenses are attached in Appendix A



**SPECIAL VERDICT or FINDING(S):**

- (a) ☐ While armed with a firearm in count(s) \_\_\_\_\_ RCW 9.94A.310(3).  
(b) ☐ While armed with a deadly weapon other than a firearm in count(s) \_\_\_\_\_ RCW 9.94A.310(4).  
(c) ☐ With a sexual motivation in count(s) \_\_\_\_\_ RCW 9.94A.127.  
(d) ☐ A V.U.C.S.A. offense committed in a protected zone in count(s) \_\_\_\_\_ RCW 69.50.435.  
(e) ☐ Vehicular homicide ☐ Violent traffic offense ☐ DUI ☐ Reckless ☐ Disregard.  
(f) ☐ Vehicular homicide by DUI with \_\_\_\_\_ prior conviction(s) for offense(s) defined in RCW 41.61.5055, RCW 9.94A.310(7).  
(g) ☐ Non-parental kidnapping or unlawful imprisonment with a minor victim. RCW 9A.44.130.  
(h) ☐ Domestic violence offense as defined in RCW 10.99.020 for count(s) \_\_\_\_\_.  
(i) ☐ Current offenses encompassing the same criminal conduct in this cause are count(s) \_\_\_\_\_ RCW 9.94A.400(1)(a).

**2.2 OTHER CURRENT CONVICTION(S):** Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number): \_\_\_\_\_

**2.3 CRIMINAL HISTORY:** Prior convictions constituting criminal history for purposes of calculating the offender score are (RCW 9.94A.360):

- ☐ Criminal history is attached in Appendix B.  
☐ Prior convictions counted as one offense in determining the offender score (RCW 9.94A.360(5)) are: \_\_\_\_\_  
☐ One point added for offense(s) committed while under community placement for count(s) \_\_\_\_\_

**2.4 SENTENCING DATA:**

Sentencing Data	Offender Score	Seriousness Level	Standard Range	Enhancement	Total Standard Range	Maximum Term
Count	8	II	33-43 mo		33-43 mo	5yr, 6/9, 000
Count						
Count						
Count						

- ☐ Additional current offense sentencing data is attached in Appendix C.

**2.5 EXCEPTIONAL SENTENCE:**

- ☐ Substantial and compelling reasons exist which justify a sentence above/below the standard range for Count(s) \_\_\_\_\_. Findings of Fact and Conclusions of Law are attached in Appendix D. The State ☐ did ☐ did not recommend a similar sentence.

**III. JUDGMENT**

IT IS ADJUDGED that defendant is guilty of the current offenses set forth in Section 2.1 above and Appendix A.

- ☐ The Court DISMISSES Count(s) \_\_\_\_\_

#### IV. ORDER

IT IS ORDERED that the defendant serve the determinate sentence and abide by the other terms set forth below.

##### 4.1 RESTITUTION AND VICTIM ASSESSMENT:

- ☐ Defendant shall pay restitution to the Clerk of this Court as set forth in attached Appendix E.  
☐ Defendant shall not pay restitution because the Court finds that extraordinary circumstances exist, and the court, pursuant to RCW 9.94A.142(2), sets forth those circumstances in attached Appendix E.  
☐ Restitution to be determined at future restitution hearing on (Date) \_\_\_\_\_ at \_\_\_\_\_ m.  
☐ Date to be set.  
☐ Defendant waives presence at future restitution hearing(s).  
☒ Restitution is not ordered.  
Defendant shall pay Victim Penalty Assessment pursuant to RCW 7.68.035 in the amount of \$500.

##### 4.2 OTHER FINANCIAL OBLIGATIONS: Having considered the defendant's present and likely future financial resources, the Court concludes that the defendant has the present or likely future ability to pay the financial obligations imposed. The Court waives financial obligation(s) that are checked below because the defendant lacks the present and future ability to pay them. Defendant shall pay the following to the Clerk of this Court:

- (a) ☐ \$ \_\_\_\_\_, Court costs; ☐ Court costs are waived; (RCW 9.94A.030, 10.01.160)  
(b) ☐ \$ \_\_\_\_\_, Recoupment for attorney's fees to King County Public Defense Programs;  
☐ Recoupment is waived (RCW 9.94A.030);  
(c) ☐ \$ \_\_\_\_\_, Fine; ☐ \$1,000, Fine for VUCSA; ☐ \$2,000, Fine for subsequent VUCSA;  
☐ VUCSA fine waived (RCW 69.50.430);  
(d) ☐ \$ \_\_\_\_\_, King County Interlocal Drug Fund; ☐ Drug Fund payment is waived;  
(RCW 9.94A.030)  
(e) ☐ \$ \_\_\_\_\_, State Crime Laboratory Fee; ☐ Laboratory fee waived (RCW 43.43.690);  
(f) ☐ \$ \_\_\_\_\_, Incarceration costs; ☐ Incarceration costs waived (RCW 9.94A.145(2));  
(g) ☐ \$ \_\_\_\_\_, Other costs for: \_\_\_\_\_

##### 4.3 PAYMENT SCHEDULE: Defendant's TOTAL FINANCIAL OBLIGATION is: \$ 560. The payments shall be made to the King County Superior Court Clerk according to the rules of the Clerk and the following terms: ☐ Not less than \$ \_\_\_\_\_ per month; ☐ On a schedule established by the defendant's Community Corrections Officer. Financial obligations shall bear interest pursuant to RCW 10.82.090. The Defendant shall remain under the Court's jurisdiction and the supervision of the Department of Corrections for up to ten years from the date of sentence or release from confinement to assure payment of financial obligations. *trust fees + interest waived*

4.4 **1999 EXPANDED SPECIAL DRUG OFFENDER SENTENCING ALTERNATIVE (D.O.S.A.) :**  
The Court finds the defendant eligible pursuant to RCW 9.94A.120(6)(a), as amended by CH 197, 1999 LAWS, eff. 7-25-99; [recodified RCW 9.94A.660 eff. 7-1-01] that the defendant and the community will benefit from use of D.O.S.A.; waives imposition of sentence within the standard range and sentences the defendant as follows:

- (a) **TOTAL CONFINEMENT, RCW 9.94A.120(6)(b):** The defendant is sentenced to the following term(s) of commitment in the custody of the DEPT. OF CORRECTIONS to commence ☐ immediately ☐ not later than \_\_\_\_\_ at \_\_\_\_\_ P.M.

19 months on Count No. \_\_\_\_\_; \_\_\_\_\_ months on Count No. \_\_\_\_\_  
\_\_\_\_\_ months on Count No. \_\_\_\_\_; \_\_\_\_\_ months on Count No. \_\_\_\_\_  
\_\_\_\_\_ months on Count No. \_\_\_\_\_; \_\_\_\_\_ months on Count No. \_\_\_\_\_

- (b) The above term(s) of confinement represent one half of the midpoint of the standard range.

- (c) The terms imposed herein shall be served concurrently.

The term(s) imposed herein shall run concurrent/consecutive with cause No(s) 021074134 SEA

The term(s) imposed herein shall run consecutively to any previously imposed commitment not referred to in this judgment.

- (d) The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause. RCW 9.94A.120(17). The time shall be compiled by the JAIL unless specifically set by the court as follows: \_\_\_\_\_

- (e) While incarcerated in the Department of Corrections the defendant shall undergo a comprehensive substance abuse assessment and receive, within available resources, appropriate treatment services.

4.5 **COMMUNITY CUSTODY:** The court further imposes 19 months, the remainder(s) of the midpoint(s) of the standard range(s), as a term of community custody during which time the defendant shall comply with the instructions, rules and regulations promulgated by the Department for conduct of the defendant during community custody; shall perform affirmative acts necessary to monitor compliance, shall obey all laws and comply with the following mandatory statutory requirements:

- (1) The defendant shall not own, use or possess any firearm or ammunition. RCW 9.94A.120(16).
- (2) The defendant shall not use illegal controlled substances and shall submit to urinalysis or other testing to monitor compliance. RCW 9.94A.120(6)(b)(ii), and (iii)
- (3) The defendant shall complete appropriate substance abuse treatment in a program approved by D.S.H.S., Division of Alcohol and Substance Abuse. RCW 9.94A.120(6)(b)(i)

The court further imposes the following non-mandatory conditions of Community Custody (if checked):

- (4) ☒ The defendant shall not use any alcohol or controlled substances without prescription and shall undergo testing to monitor compliance.
- (5) ☐ Devote time to a specific employment or training.
- (6) ☐ Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment.
- (7) ☒ Report as directed to a community corrections officer.
- (8) ☒ Pay all court ordered legal financial obligations.
- (9) ☐ Perform community service work.

(10) ☐ Stay out of designated areas as follows: \_\_\_\_\_

(11) ☐ Other conditions as set forth in Appendix F

- 4.6 **NON-COMPLIANCE RCW 9.94A.120(6)(c)(e):** If the defendant fails to complete the Department's special drug offender sentencing alternative program or is administratively terminated from the program, he/she shall be reclassified by the Department to serve the balance of the unexpired term of sentence. If the defendant fails to comply with the conditions of supervision as defined by the Department, he/she shall be sanctioned. Sanctions may include reclassification by the Department to serve the balance of the unexpired term of sentence.

For offenses committed after 7-1-2000 the court further imposes the following additional terms of Community Custody upon failure to complete or administrative termination from D.O.S.A. program: the entire period of earned early release or for any "crime against person" in section 2.1 herein 9 - 18 months; for any violation of 69.50/52 in section 2.1 herein 9 - 12 months whichever is longer. The defendant in this event shall comply with the conditions of Community Custody set forth in section 4.5 herein.

- 4.7 ☐ **BLOOD TESTING** (Prostitution offense or drug offense associated with the use of hypodermic needles): Appendix G, covering blood testing and counseling, is attached and incorporated by reference into this Judgment and Sentence.
- 4.8 ☐ **OFF-LIMITS ORDER:** The defendant, having been found to be a known drug trafficker, shall neither enter nor remain in the protected against drug trafficking area(s) as described in Appendix I during the term of community supervision. Appendix I is attached and incorporated by reference into this Judgment and Sentence.
- 4.9 ☐ **NO CONTACT:** For the maximum term of \_\_\_\_\_ years, defendant shall have no contact with \_\_\_\_\_

Date: \_\_\_\_\_

10.16.02

JUDGE

Print Name: \_\_\_\_\_

*Kenneth A. Constable*  
\_\_\_\_\_

Presented by:

*J. Miller*  
\_\_\_\_\_

Deputy Prosecuting Attorney. WSBA# 31600

Print Name: Jenna Miller

Approved as to form:

*John A. [Signature]*  
\_\_\_\_\_

Attorney for Defendant

Print Name: John A. [Signature]

WSBA #

20296

FINGERPRINTS

BEST AVAILABLE IMAGE POSSIBLE



RIGHT HAND  
FINGERPRINTS OF:

DATED: 10/18/02  
Demeth C. Smith  
JUDGE, KING COUNTY SUPERIOR COURT

*Pro Tem.*

DEFENDANT'S SIGNATURE: *[Signature]*  
DEFENDANT'S ADDRESS \_\_\_\_\_

ATTESTED BY:  
PAUL L. SHERFEX, SUPERIOR COURT CLERK  
BY: *[Signature]*  
DEPUTY CLERK

CERTIFICATE

I, \_\_\_\_\_,  
CLERK OF THIS COURT, CERTIFY THAT  
THE ABOVE IS A TRUE COPY OF THE  
JUDGMENT AND SENTENCE IN THIS  
ACTION ON RECORD IN MY OFFICE.  
DATED: \_\_\_\_\_

\_\_\_\_\_  
CLERK

BY: \_\_\_\_\_  
DEPUTY CLERK

OFFENDER IDENTIFICATION

S.I.D. NO. \_\_\_\_\_

DATE OF BIRTH: \_\_\_\_\_

SEX: \_\_\_\_\_

RACE: \_\_\_\_\_

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

Anthony Bradley

Defendant.

NO.

02697188SEA

JUDGMENT AND SENTENCE  
(FELONY) — APPENDIX F,  
ADDITIONAL CONDITIONS  
OF SENTENCE

Additional conditions of sentence are:

Defendant must follow all rules of  
DOSA + treatment recs.

Date:

October 16, 2002

Judge, King County Superior Court

Pro Tem.

## APPENDIX B

FILED  
02 SEP 27 PM 2:48  
KING COUNTY  
SUPERIOR COURT CLERK  
SEATTLE, WA.

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

Vs.

ANTHONY L. BRADLEY

Defendant,

ORIGINAL

No. 02 C 04718 & 50A

STATEMENT OF DEFENDANT ON  
PLEA OF GUILTY (Felony)

1. My true name is ANTHONY L. BRADLEY
2. My age is 28 Date of Birth 9/16/74
3. I went through the 12<sup>th</sup> grade and 1 year HIGHTS  
COMMUNITY COLLEGE

4. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT:

(a) I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me. My lawyer's name is JULIA A. GARNER

(b) I am charged with the crime(s) of POSSESSION OF COCAINE

The elements of this crime(s) are IN KING CO WA ON 5/31/02 I

KNOWINGLY AND UNLAWFULLY POSSESSING COCAINE, A  
CONTROLLED SUBSTANCE, A  
PSYCHOTROPIC  
SUBSTANCE.

FORM REV 7/12/00

STATEMENT OF DEFENDANT ON PLEA OF GUILTY  
(Felony) - 1





1 5. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT I HAVE THE  
2 FOLLOWING IMPORTANT RIGHTS, AND I GIVE THEM ALL UP BY  
PLEADING GUILTY:

3 (a) The right to a speedy and public trial by an impartial jury in the county where the crime  
4 is alleged to have been committed;

5 (b) The right to remain silent before and during trial, and the right to refuse to testify against  
6 myself;

7 (c) The right at trial to testify and to hear and question the witnesses who testify against me;

8 (d) The right at trial to have witnesses testify for me. These witnesses can be made to  
9 appear at no expense to me;

10 (e) The right to be presumed innocent until the charge is proven beyond a reasonable doubt  
11 or I enter a plea of guilty;

12 (f) The right to appeal a determination of guilt after a trial.

13 6. IN CONSIDERING THE CONSEQUENCES OF MY GUILTY PLEA(S), I  
14 UNDERSTAND THAT:

15 (a) The crime(s) with which I am charged carries a sentence(s) of:

Count No.	Standard Range	Enhancement That Will Be Added to Standard Range	Maximum Term and Fine
16			
17	33-43 MONTHS	NONE	5 years \$10,000.00
18			_____ years \$ _____
19			_____ years \$ _____

20  
21 RCW 9.94A.030(23), (27), provide that for a third conviction for a "most serious offense" as  
22 defined in that statute or for a second conviction for a "most serious offense" which is also a "sex

FORM REV 7/12/00

STATEMENT OF DEFENDANT ON PLEA OF GUILTY  
(Felony) - 2

1 offense" as defined in that statute, I may be found a Persistent Offender. If I am found to be a  
2 Persistent Offender, the Court must impose the mandatory sentence of life imprisonment without  
3 the possibility of early release of any kind, such as parole or community custody. RCW  
4 9.94A.120(4). The law does not allow any reduction of this sentence.

5 (b) The standard sentence range is based on the crime charged and my criminal history.  
6 Criminal history includes prior convictions, whether in this state, in federal court, or elsewhere. If  
7 my current offense was prior to 7/1/97: criminal history always includes juvenile convictions for  
8 sex offenses and also for Class A felonies that were committed when I was 15 years of age or older;  
9 may include convictions in Juvenile Court for felonies or serious traffic offenses that were  
10 committed when I was 15 years of age or older; and juvenile convictions, except those for sex  
11 offenses and Class A felonies, count only if I was less than 23 years old when I committed the crime  
12 to which I am now pleading guilty. If my current offense was after 6/30/97: criminal history  
13 includes all prior adult and juvenile convictions or adjudications.

14 (c) The prosecuting attorney's statement of my criminal history is attached to this  
15 agreement. Unless I have attached a different statement, I agree that the prosecuting attorney's  
16 statement is correct and complete. If I have attached my own statement, I assert that it is correct and  
17 complete. If I am convicted of any additional crimes between now and the time I am sentenced, I  
18 am obligated to tell the sentencing judge about those convictions.

19 (d) If I am convicted of any new crimes before sentencing, or if I was on community  
20 placement at the time of the offense to which I am now pleading guilty, or if any additional criminal  
21 history is discovered, both the standard sentence range and the prosecuting attorney's  
22 recommendations may increase. Even so, my plea of guilty to this charge is binding on me. I

FORM REV 7/12/00

STATEMENT OF DEFENDANT ON PLEA OF GUILTY  
(Felony) - 3

1 cannot change my mind if additional criminal history is discovered even though the standard  
2 sentencing range and the prosecuting attorney's recommendation increase.

3 If the current offense to which I am pleading guilty is a most serious offense as defined by  
4 RCW 9.94A.030(23),(27), and additional criminal history is discovered, not only do the conditions  
5 of the prior paragraph apply, but also if my discovered criminal history contains two prior  
6 convictions, whether in this state, in federal court, or elsewhere, of most serious offense crimes, I  
7 may be found to be a Persistent Offender. If I am found to be a Persistent Offender, the Court must  
8 impose the mandatory sentence of life imprisonment without the possibility of early release of any  
9 kind, such as parole or community custody. RCW 9.94A.120(4).

10 Even so, my plea of guilty to this charge may be binding on me. I cannot change my plea if  
11 additional criminal history is discovered, even though it will result in the mandatory sentence that  
12 the law does not allow to be reduced.

13 (e) In addition to sentencing me to confinement for the standard range, the judge will order  
14 me to pay \$500 as a victim's compensation fund assessment. If this crime resulted in injury to any  
15 person or damages to or loss of property, the judge will order me to make restitution, unless  
16 extraordinary circumstances exist which make restitution inappropriate. The judge may also order  
17 that I pay a fine, court costs, incarceration, lab and attorney fees. Furthermore, the judge may place  
18 me on community supervision, community placement or community custody, impose restrictions on  
19 my activities, rehabilitative programs, treatment requirements, or other conditions, and order me to  
20 perform community service.

21 (f) The prosecuting attorney will make the following recommendation to the judge: \_\_\_\_\_

22 43 CONCERNING TO 02-C-07413-4 SEA, DRUG FUND,  
FORM REV 7/12/00 DRUG FUND (\$2000), COSTS, INCARCERATION  
FEES, BUT CAN REQUEST DOSA

STATEMENT OF DEFENDANT ON PLEA OF GUILTY  
(Felony) - 4

1  
2  
3 ☐ See attached Plea Agreement and State's Sentence Recommendation.

4 (g) The judge does not have to follow anyone's recommendation as to sentence. The judge  
5 must impose a sentence within the standard range unless the judge finds substantial and compelling  
6 reasons not to do so. If the judge goes outside the standard range, either I or the State can appeal  
7 that sentence. If the sentence is within the standard range, no one can appeal the sentence.

8 (h) The crime of \_\_\_\_\_ has a mandatory minimum sentence  
9 of at least \_\_\_\_\_ years of total confinement. The law does not allow any reduction of this  
10 sentence. [If not applicable, this paragraph should be stricken and initialed by the defendant and the  
11 judge AB et.]

12 The crime of \_\_\_\_\_ is a most serious offense as defined by  
13 RCW 9.94A.030(23), and if the judge determines that I have at least two prior convictions on  
14 separate occasions whether in this state, in federal court, or elsewhere, of most serious crimes, I may  
15 be found to be a Persistent Offender. If I am found to be a Persistent Offender, the Court must  
16 impose the mandatory sentence of life imprisonment without the possibility of early release of any  
17 kind, such as parole or community custody. RCW 9.94A.120(4). [If not applicable, this paragraph  
18 should be stricken and initialed by the defendant and the judge AB et.]

19 The crime of \_\_\_\_\_ is also a "most serious offense" and a  
20 "sex offense" as defined in RCW 9.94A.030(23) and (27), and if the judge determines that I have  
21 one prior conviction whether in this state, in federal court or elsewhere of a most serious sex offense  
22 as defined in that statute, I may also be found to be a Persistent Offender in which case the judge  
FORM REV 7/12/00

1 must impose a mandatory sentence of life without the possibility of parole. RCW 9.94A.120(4). [If  
2 not applicable, this paragraph should be stricken and initialed by the defendant and the judge AB  
3 \_\_\_\_.] BK

4 (i) The crime charged in Count \_\_\_\_ includes a firearm/deadly weapon sentence  
5 enhancement of \_\_\_\_ months.

6 This additional confinement time is mandatory and must be served consecutively to any  
7 other sentence I have already received or will receive in this or any other cause. [If not applicable,  
8 this paragraph should be stricken and initialed by the defendant and the judge AB \_\_\_\_.] BK

9 (j) The sentences imposed on counts \_\_\_\_, except for any weapons enhancement,  
10 will run concurrently unless the judge finds substantial and compelling reason to do otherwise or  
11 unless there is a special weapons finding. [If not applicable, this paragraph should be stricken and  
12 initialed by the defendant and the judge AB \_\_\_\_.] BK

13 (k) In addition to confinement, the judge will sentence me to a period of community  
14 supervision, community placement or community custody.

15 For crimes committed prior to July 1, 2000, the judge will sentence me to: (A) community  
16 supervision for a period of up to one year; or (B) to community placement or community custody  
17 for a period up to three years or up to the period of earned release awarded pursuant RCW  
18 9.94A.150(1) and (2), whichever is longer. [If not applicable, this paragraph should be stricken and  
19 initialed by the defendant and the judge AB \_\_\_\_.] BK

20 For crimes committed on or after July 1, 2000, the judge will sentence me to the community  
21 custody range which is from 9 months to 12 months or up to the period of earned  
22 release awarded pursuant to RCW 9.94A.150(1) and (2), whichever is longer, unless the judge finds  
FORM REV 7/12/00

STATEMENT OF DEFENDANT ON PLEA OF GUILTY  
(Felony) - 6

1 substantial and compelling reasons to do otherwise. During the period of community custody I will  
2 be under the supervision of the Department of Corrections, and I will have restrictions and  
3 requirements placed upon me. My failure to comply with these conditions will result in the  
4 Department of Corrections transferring me to a more restrictive confinement status or imposing  
5 other sanctions. [If not applicable, this paragraph should be stricken and initialed by the defendant  
6 and the judge \_\_\_\_\_.]

7 (l) If this offense is a sex offense committed after 6/5/96 and I am either sentenced to the  
8 custody of the Department of Corrections or if I am sentenced under the special sexual offender  
9 sentence alternative, the court will, in addition to the confinement, impose not less than 3 years of  
10 community custody which will commence upon my release from jail or prison. Failure to comply  
11 with community custody may result in my return to confinement. In addition, the court may extend  
12 the period of community custody in the interest of public safety for a period up to the maximum  
13 term which is \_\_\_\_\_. [If not applicable,  
14 this paragraph should be stricken and initialed by the defendant and the judge AD \_\_\_\_\_.] Bk

15 (m) The judge may sentence me as a first-time offender instead of imposing a sentence  
16 within the standard range if I qualify under RCW 9.94A.030. This sentence may include as much as  
17 90 days of confinement plus all of the conditions described in paragraph (e). In addition, I may be  
18 sentenced up to two years of community supervision if the crime was committed prior to July 1,  
19 2000, or two years of community custody if the crime was committed on or after July 1, 2000. The  
20 judge also may require me to undergo treatment, to devote time to a specific occupation, and to  
21 pursue a prescribed course of study or occupational training. [If not applicable, this paragraph  
22 should be stricken and initialed by the defendant and the judge AD \_\_\_\_\_.] Bk  
FORM REV 7/12/00

1 (n) This plea of guilty will result in revocation of my privilege to drive under RCW  
2 46.20.285 (1)-(3), (5)-(7). If I have a driver's license, I must now surrender it to the judge. [If not  
3 applicable, this paragraph should be stricken and initialed by the defendant and the judge AD BB]

4 (o) I understand that RCW 46.20.285(4) requires that my driver's license be revoked if the  
5 judge finds I used a motor vehicle in the commission of this felony.

6 (p) If this crime involves a sexual offense, prostitution, or a drug offense associated with  
7 hypodermic needles, I will be required to undergo testing for the human immunodeficiency (AIDS)  
8 virus. [If not applicable', this paragraph should be stricken and initialed by the defendant and the  
9 judge AD BX]

10 (q) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a  
11 crime under state law is grounds for deportation, exclusion from admission to the United States, or  
12 denial of naturalization pursuant to the laws of the United States.

13 (r) If this crime involves a sex offense or a violent offense, I will be required to provide a  
14 sample of my blood for purposes of DNA identification analysis. [If not applicable', this paragraph  
15 should be stricken and initialed by the defendant and the judge AD BX]

16 (s) Because this crime involves a sex offense, I will be required to register with the sheriff  
17 of the county of the state of Washington where I reside. I must register immediately upon being  
18 sentenced unless I am in custody, in which case I must register within 24 hours of my release.

19 If I leave this state following my sentencing or release from custody but later move back to  
20 Washington, I must register within 30 days after moving to this state or within 24 hours after doing  
21 so if I am under the jurisdiction of this state's Department of Corrections.

22 FORM REV 7/12/00

STATEMENT OF DEFENDANT ON PLEA OF GUILTY  
(Felony) - 8

1 If I change my residence within a county, I must send written notice of my change of  
2 residence to the sheriff at least 14 days before moving and must register again with the sheriff  
3 within 24 hours of moving. If I change my residence to a new county within this state, I must send  
4 written notice of my change of residence to the sheriff of my new county at least 14 days before  
5 moving and I must give written notice of my change of address to the sheriff of the county where I  
6 last registered within 10 days of moving. If I move out of Washington state, I must also send  
7 written notice within 10 days of moving to the county sheriff with whom I last registered in  
8 Washington state. [If not applicable, this paragraph should be stricken and initialed by the  
9 defendant and the judge. *APD* *BA*]

10 (t) This plea of guilty will result in the revocation of my right to possess any firearm.  
11 Possession of any firearm after this plea is prohibited by law until my right to possess a firearm is  
12 restored by a court of record.

13 7. I plead guilty to the crime(s) of POSSESSION OF COCAINE  
14 \_\_\_\_\_  
15 \_\_\_\_\_

16 as charged in the *Memorandum* information. I have received a copy of that information.

17 8. I make this plea freely and voluntarily.

18 9. No one has threatened harm of any kind to me or to any other person to cause me to make  
19 this plea.

20 10. No person has made promises of any kind to cause me to enter this plea except as set  
21 forth in this statement.

22 FORM REV 7/12/00

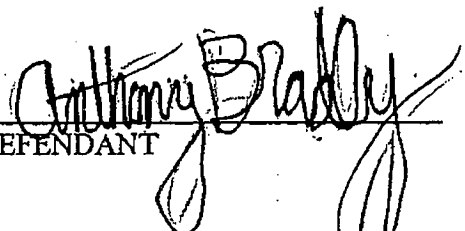
STATEMENT OF DEFENDANT ON PLEA OF GUILTY  
(Felony) - 9



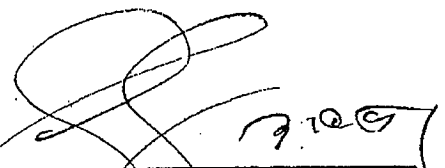
1 11. The judge has asked me to state briefly in my own words what I did that makes me  
2 guilty of this (these) crime(s). This is my statement:


3 IN KING CO WASHINGTON ON 5/31/02  
4 I KNOWING IT WAS COCAINE, <sup>PERSONALLY</sup> POSSESSOR  
5 ~~AB~~ COCAINE ~~WAS~~ ~~IN~~ ~~MY~~ ~~POSSESSION~~ I  
6 KNEW COCAINE WAS A CONTROLLED  
7 ILLICIT SUBSTANCE.

8  
9  
10  
11  
12  
13  
14 12. My lawyer has explained to me, and we have fully discussed, all of the above  
15 paragraphs. I understand them all. I have been given a copy of this "Statement of Defendant on  
16 Plea of Guilty." I have no further questions to ask the judge.

17   
18 DEFENDANT

19 I have read and discussed this statement  
20 with the defendant and believe that the  
21 defendant is competent and fully  
22 understands the statement.

20   
21  
22 PROSECUTING ATTORNEY  
FORM REV 7/12/00


21   
22 DEFENDANT'S LAWYER  
#20296

1 The foregoing statement was signed by the defendant in open court in the presence of the  
2 defendant's lawyer and the undersigned judge. The defendant asserted that [check appropriate box]:

- 3 ☐ (a) The defendant had previously read; or  
4 ☐ (b) The defendant's lawyer had previously read to him or her; or  
5 ☐ (c) An interpreter had previously read to the defendant the entire statement above and that the  
6 defendant understood it in full.

7 I find the defendant's plea of guilty to be knowingly, intelligently and voluntarily made. The  
8 defendant understands the charges and the consequences of the plea. There is a factual basis for the  
9 plea. The defendant is guilty as charged.

10 Dated this 26 day of Sept., 2002.

11   
12 JUDGE PRO TEM

13 I am fluent in the \_\_\_\_\_ language and I have translated this entire document for  
14 the defendant from English into that language. I certify under penalty of perjury under the laws of  
15 the State of Washington that the foregoing is true and correct.

16 Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

17 \_\_\_\_\_  
18 TRANSLATOR

19 \_\_\_\_\_  
20 INTERPRETER

21 FORM REV 7/12/00

22 STATEMENT OF DEFENDANT ON PLEA OF GUILTY  
(Felony) - 11

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

No. 02-C-0708-8 SCA

AMENDED INFORMATION

Anthony BRADLEY

Defendant.

I, Norm Maleng, Prosecuting Attorney for King County in the name and by the authority of the State of Washington, do accuse Anthony Bradley of the crime of **Violation of the Uniform Controlled Substances**, committed as follows:

That the defendant Anthony Bradley, in King County, Washington, on or about during a time intervening 5/2/01, did unlawfully and feloniously possess COCAINE, a controlled substance and a narcotic drug;

Contrary to RCW 69.50.401(d), and against the peace and dignity of the State of Washington.

NORM MALENG  
Prosecuting Attorney

By: [Signature]  
Deputy Prosecuting Attorney  
WSBA #91002

AMENDED INFORMATION - 1  
vucsa - Revised 5-7-01

Norm Maleng, Prosecuting Attorney  
W554 King County Courthouse  
516 Third Avenue  
Seattle, Washington 98104  
(206) 296-9000  
FAX (206) 296-0955

1  
2  
3  
4  
5  
6  
7 CAUSE NO. 02-C-04718-8 SEA  
8 CAUSE NO. 02-C-04719-6 SEA

9 PROSECUTING ATTORNEY CASE SUMMARY AND REQUEST FOR BAIL AND/OR  
10 CONDITIONS OF RELEASE

11 The State incorporates by reference the Certification for  
12 Determination of Probable Cause signed by the Seattle Police  
regarding incident number 02-208013.

13 REQUEST FOR BAIL

14 **BRADLEY**

15 Initially, the Court set Bradley's bail in the amount of  
16 \$5,000. However, the State requests that bail be increased to the  
17 amount of \$20,000 based on the nature of the crime charged and the  
18 following criminal history: Violation of the Uniform Controlled  
19 Substances Act - Delivery (VUCSA) (91-1-01608-1, 97-1-00606-2);  
20 VUCSA - Possession (93-1-04345-3, 94-1-07524-8, 97-1-00617-8);  
Attempted VUCSA (01-1-10608-90); and Attempt to Elude (93-1-04407-  
7). At the time of filing, Court Services was unable to verify the  
defendant's residence and employment history. Since 1993, this  
Court has issued 48 warrants for the defendant.

21 **WILLIAMS**

22 The State requests that Williams' bail be set in the amount of  
23 \$20,000 based on the nature of the crime charged and the following  
24 criminal history: VUCSA - Possession (92-1-05837-1, 00-1-10102-0);  
25 Forgery and Possessing Stolen Property (96-1-01616-7); Attempted  
26 VUCSA (96-1-05367-4); Theft 2° (98-1-06295-5); Theft 3° (1998,  
1995, 1993); Prostitution (1995); and False Reporting (1995).

27 Alison M. Bogar, WSBA #30380

Prosecuting Attorney Case  
Summary and Request for Bail  
and/or Conditions of Release - 1

**Norm Maleng**  
Prosecuting Attorney  
W 554 King County Courthouse  
Seattle, Washington 98104-2312  
(206) 296-9000

CAUSE NO. 02 C 04718 8SEA



SEATTLE  
POLICE  
DEPARTMENT

**CERTIFICATION FOR DETERMINATION  
OF PROBABLE CAUSE - NARCOTICS**

INCIDENT NUMBER 02-208013
UNIT FILE NUMBER

That Police Officer R. Smith #5937 of the Seattle Police Department believes that there is probable cause that Anthony L. Bradley committed the crime(s) of Violation of the Uniformed Controlled Substances Act on May 14, 2002 at 2144 within the City of Seattle, County of King, State of Washington by possessing with intent to deliver/manufacture crack cocaine, a controlled substance.

This belief is predicated on the following facts and circumstances:

At about 2139, 5-14-2002 the West Precinct Anti-Crime Team (**WACT**) conducted a narcotics "SEE-POP" operation in the Belltown neighborhood. The area of 2<sup>nd</sup> Ave between Virginia St and Bell St. has been the source of numerous Narcotic Activity Reports (**NARS**), as well as a steady flow of 911 calls reporting rampant street drug activity. I was operating as an observation officer, utilizing 7x50 binoculars to enhance my vision. I have over eight years of police experience with the SPD. I have worked over 85 narcotics "buy-bust" operations while assigned to the **WACT**, as an undercover officer, arrest officer, and observation officer. I am very familiar with the dynamics of a street drug deal.

I saw **Bradley** walking NB in the 2100 block of 2<sup>nd</sup> Ave, in the company of **Williams**. **Bradley** stopped near "Zoe's" restaurant on the west sidewalk. **Bradley** was contacted by an unidentified black male approximately 50 YOA. I saw **Bradley** take his left hand out of his left outside jacket pocket and hand something to the unidentified black male with his left hand. **Bradley** then received money from the unidentified male in return. The unidentified black male walked away SB on 2<sup>nd</sup> Ave. **Williams** was standing about five feet to the north during this transaction. **Bradley** and **Williams** met back up and walked away NB on 2<sup>nd</sup> Ave. This transaction was consistent with what I know a street drug deal to look like.

**Bradley** and **Williams** walked NB on 2<sup>nd</sup> Ave to "Wally's Market." **Bradley** and **Williams** ducked into the doorway and made a hand to hand exchange. Both emerged back onto the sidewalk in front of "Wally's Market." I saw **Bradley** looking at some items in his cupped left hand. **Bradley** was contacted by an unidentified black male approximately 30 YOA. I saw **Bradley** hand the unidentified male something from his left hand. The unidentified male handed **Bradley** money, and walked away SB on 2<sup>nd</sup> Ave, and then WB on Blanchard St. **Williams** was standing about five feet north of **Bradley** during the transaction. This transaction was consistent with what I know a street drug deal to look like.

**Bradley** and **Williams** met back up and walked SB on 2<sup>nd</sup> Ave into the 2100 block. I provided **WACT** officers with a complete description of **Bradley** and **Williams**, and my probable cause to believe **Bradley** and **Williams** were working together in concert to sell drugs. **WACT** officers contacted both **Bradley** and **Williams** in the 2100 block of 2<sup>nd</sup> Ave. As **WACT** officers approached, **Bradley** made an abrupt move to his mouth with his right hand, and subsequently chewed and swallowed suspected **crack cocaine**. Officer Fox recovered small pieces of suspected **crack cocaine** from **Bradley's** left outer jacket pocket, which were later field-tested (positive), and \$519.00 in U.S. currency from his person. Officer

**ORIGINAL**

PAGE 1 OF 2



SEATTLE  
POLICE  
DEPARTMENT

**CERTIFICATION FOR DETERMINATION  
OF PROBABLE CAUSE NARCOTICS**

INCIDENT NUMBER
02-208013
UNIT FILE NUMBER

Setterberg contacted **Williams**, and recovered **19.8 grams** of suspected **crack cocaine** and **\$85.00** in U.S. currency. Officer Setterberg conducted a field-test of a small portion of the suspected **crack cocaine** recovered from **Williams** (positive). **Williams** was also found to be wanted on an outstanding **KCSO Felony Warrant** for **VUCSA**. The arrests took place in **SODA Zone #1** and within a **Drug Free Zone** (Route #208 1<sup>st</sup> Ave/Blanchard St).

Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct to best of my knowledge and belief. Signed and dated by me this 14<sup>th</sup> day of May, 2002, at Seattle, Washington.

**ORIGINAL**

**PLEA AGREEMENT**

Date of Crime: 5.14.02

Date: 5/2/02 8/20/02

Defendant: Bradley, Anthony Cause No: 02-C-04018-1 SEA/KNT

The State of Washington and the defendant enter into this PLEA AGREEMENT which is accepted only by a guilty plea. This agreement may be withdrawn at any time prior to entry of the guilty plea. The PLEA AGREEMENT is as follows:

On Plea To: As charged in Count(s) I of the ~~original~~ amended information.

☐ With Special Finding(s): ☐ deadly weapon - firearm, RCW 9.94A.310(3); ☐ deadly weapon other than firearm, RCW 9.94A.310(4); ☐ sexual motivation, RCW 9.94A.127; ☐ protected zone, RCW 69.50.435; ☐ domestic violence, ☐ other \_\_\_\_\_; for count(s): \_\_\_\_\_

1. ☐ DISMISS: Upon disposition of Count(s) \_\_\_\_\_ the State moves to dismiss Count(s): \_\_\_\_\_

2. ~~REAL~~ **FACTS OF HIGHER/MORE SERIOUS AND/OR ADDITIONAL CRIMES:** In accordance with RCW 9.94A.370, the parties have stipulated that the court, in sentencing, may consider as real and material facts information as follows:  
☒ as set forth in the certification(s) of probable cause and prosecutor's summary.  
☐ as set forth in \_\_\_\_\_

3. ☐ RESTITUTION: Pursuant to RCW 9.94A.142, the defendant agrees to pay restitution as follows:  
☐ in full to the victim(s) on charged counts.  
☐ as set forth in \_\_\_\_\_

4. ~~OTHER:~~ Agreed to 33 months agreed, concurrent to 02-C-07413-4 SEA

**SENTENCE RECOMMENDATION:**

a. ☒ The defendant agrees to the foregoing Plea Agreement and that the attached sentencing guidelines scoring form(s) (Appendix A) and the attached Prosecutor's Understanding of Defendant's Criminal History (Appendix B) are accurate and complete and that the defendant was represented by counsel or waived counsel at the time of prior conviction(s). The State makes the sentencing recommendation set forth in the State's sentence recommendation.

b. ☐ The defendant disputes the Prosecutor's Statement of the Defendant's Criminal History, and the State makes no agreement with regard to a sentencing recommendation and may make a sentencing recommendation for the full penalty allowed by law.

Maximum on Count I is not more than 5 ~~10~~ years and/or \$ \$20,000 fine.

Maximum on Count \_\_\_\_\_ is not more than \_\_\_\_\_ years and/or \$ \_\_\_\_\_ fine.

☐ Mandatory Minimum Term(s) pursuant to RCW 9.94A.120(4) only: \_\_\_\_\_

☐ Mandatory weapon sentence enhancement for Count(s) \_\_\_\_\_ is \_\_\_\_\_ months each. This/these additional term(s) must be served consecutively to any other term and without any earned early release.

☐ Mandatory driver's license revocation RCW 46.20.285; 69.50.420

Mandatory revocation of right to possess a firearm and/or ammunition for any felony conviction. RCW 9.41.047.

The State's recommendation will increase in severity if additional criminal convictions are found or if the defendant commits any new charged or uncharged crimes, fails to appear for sentencing or violates the conditions of his release.

Anthony Bradley  
 Defendant

[Signature]  
 Deputy Prosecuting Attorney

[Signature]  
 Attorney for Defendant  
200916

[Signature]  
 Judge, King County Superior Court **PRO TEM**

3/14/02

# GENERAL SCORING FORM

## Drug Offenses

Use this form only for the following offenses: Controlled Substance Homicide; Create, Deliver, or Possess a Counterfeit Controlled Substance - Methamphetamine; Create, Deliver, or Possess a Counterfeit Controlled Substance - Schedule I or II Narcotic; Create, Deliver, or Possess a Counterfeit Controlled Substance - Schedule III-V Narcotic or Schedule I-V Nonnarcotic; Deliver or Possess with Intent to Deliver Methamphetamine; Delivery of a Material in Lieu of a Controlled Substance; Involving a Minor in Drug Dealing; Manufacture, Deliver, or Possess with Intent to Deliver Amphetamine; Manufacture, Deliver, or Possess with Intent to Deliver Heroin or Cocaine; Manufacture, Deliver, or Possess with Intent to Deliver Marijuana; Manufacture, Deliver, or Possess with Intent to Deliver a Narcotic from Schedule I-II (except Heroin or Cocaine), or Flunitrazepam from Schedule IV; Manufacture, Deliver, or Possess with Intent to Deliver a Narcotic from Schedule III-V or Nonnarcotic from Schedule I-V (except Marijuana, Amphetamine, Methamphetamine, or Flunitrazepam); Maintaining a Dwelling for Controlled Substances; Manufacture of Methamphetamine; Over 18 and Deliver Heroin, Methamphetamine, a Narcotics from Schedule I or II, or Flunitrazepam from Schedule IV to Someone Under 18; Over 18 and Deliver Narcotics from Schedule III-V or a Nonnarcotic, except Flunitrazepam, or Methamphetamine from Schedule I-V to Someone under 18 and 3 years Junior; Possession of Ephedrine, Pseudoephedrine or Anhydrous Ammonia with Intent to manufacture Methamphetamine; Selling for Profit (Controlled or Counterfeit) any Controlled Substance.

OFFENDER'S NAME Bradley, Anthony L	OFFENDER'S DOB 09/16/1974	STATE ID# 14830884
JUDGE	CAUSE# 02C047188SEA	FBI ID# 57122TA8

DOC# 707050

In the case of multiple prior convictions for offenses committed before July 1, 1988, for purposes of computing the offender score, count all adult convictions served concurrently as one offense and juvenile convictions entered on the same date as one offense (RCW 9.94A.360).

### ADULT HISTORY

Enter number of felony drug convictions\* (as defined by RCW 9.94A.030(16)).....

Enter number of other felony convictions .....

$$\begin{array}{r} 2 \times 3 = 6 \\ 6 \times 1 = 6 \end{array}$$

### JUVENILE HISTORY

Enter number of felony drug dispositions\*\* (as defined by RCW 9.94A.030(16)).....

Enter number of other serious violent and violent felony dispositions.....

Enter number of other felony dispositions.....

$$\begin{array}{r} 1 \times 2 = 2 \\ \times 1 = \\ 2 \times 1/2 = 1 \end{array}$$

### OTHER CURRENT OFFENSES: (Those offenses not encompassing the same criminal conduct)

Enter number of other felony drug convictions\* (as defined by RCW 9.94A.030 (16)).....

Enter number of other felony convictions.....

$$\begin{array}{r} \times 3 = \\ 1 \times 1 = 1 \end{array}$$

### STATUS AT TIME OF CURRENT OFFENSES:

If on community placement at time of current offense, add 1 point.....

$$\begin{array}{r} + 1 = \end{array}$$

Total the last column to get the Offender Score  
(Round down to the nearest whole number)

8

CURRENT OFFENSE BEING SCORED	SERIOUSNESS LEVEL	OFFENDER SCORE	LOW STANDARD SENTENCE RANGE	HIGH STANDARD SENTENCE RANGE
Poss VUCSA: <del>PWT</del> Cocaine	III	8	33	43
			To	124 months

\* If the court orders a deadly weapons enhancement, use the applicable enhancement sheets on pages 111-14 or 111-15 to calculate the enhanced sentence.

\* Add additional time to the standard range for some drug offenses committed in a correctional facility or in a protected zone. See the individual offense reference sheets for specifics.

\* If Drug Offender Sentencing Alternative (DOSA) eligible: see DOSA form for alternative sentence on page III-16.

\*\* The Supreme Court clarified that solicitations to commit violations of the Uniform Controlled Substances Act (RCW 69.50) are not "drug offenses" and are not subject to the multiple "scoring" requirements for drug offenses, under RCW 9.94A.360, or to the community placement requirement for drug offenses, under RCW 9.94A.120(9)(a). See *In re Hopkins*, 137 Wn. 2d 897 (1999).



5/20/02

**APPENDIX B TO PLEA AGREEMENT  
PROSECUTOR'S UNDERSTANDING OF DEFENDANT'S CRIMINAL HISTORY  
( SENTENCING REFORM ACT )**

Page 1 of 2

Defendant : Anthony L Bradley

FBI Num: 57122TA8

StateID Num: 14830884

☐ None Known. Recommendation and standard range assumes  
no prior felony convictions

☐ Criminal history not known and not received at this time

**Adult Felonies**

Cause	Agency	Offense	Sentence	
8(B) 931016081	WA King Superior	2/26/93	4/9/93	VUCSA: Deliver Cocaine 90 Days
5(1) 931043453	WA King Superior	3/10/93	11/19/93	VUCSA: Possess Cocaine 5 Months 28 Days
5(7) 931044077	WA King Superior	8/14/93	11/19/93	Attempting to Elude Pursuing Police Vehicle 5 Months 28 Days
5(1) 941075248	WA King Superior	6/30/94	3/17/95	VUCSA: Possess Cocaine 13 Months
5(1) 971006178	WA King Superior	10/7/94	9/5/97	VUCSA: Possess Cocaine 16 Months
5(8) 971057392	WA King Superior	4/23/97	12/19/97	VUCSA: Deliver Cocaine 6 Years 5 Months

**Juvenile Felonies**

Cause	Agency	Offense	Sentence	
898007551	WA King Superior	11/11/88	4/17/89	VUCSA: Deliver 10 Days
898024405	WA King Superior	2/24/89	7/18/89	VUCSA: Possess Cocaine 2 Days

Prepared By:

*Karen Smith*  
Community Corrections Assistant

5/20/02

APPENDIX B TO PLEA AGREEMENT  
PROSECUTOR'S UNDERSTANDING OF DEFENDANT'S CRIMINAL HISTORY  
( SENTENCING REFORM ACT )

Page 2 of 2

Defendant : Anthony L Bradley

FBI Num: 57122TA8

StateID Num: 14830884

☐ None Known. Recommendation and standard range assumes  
no prior felony convictions

☐ Criminal history not known and not received at this time

Juvenile Felonies

Cause	Agency	Offense	Sentence	
898025525	WA King Superior			
(25) 5/13/89		7/18/89	VUCSA: Deliver	15 Days
908001794	WA King Superior			
S(12) 12/27/89		2/15/90	VUCSA: Possess Cocaine	13 Weeks
918034941	WA King Superior			
S(1) 6/8/91		7/10/91	VUCSA: Possess with Intent	80 Weeks

Misdemeanors

Cause	Agency	Offense	Sentence
(25) = UNDER 18 Y.O.A. 0-10, D.V.			

1997 - Obstruction;  
1996 - Susp OL 2; Susp OL 1; Obstruction;  
1994 - NVOL; Susp OL 3;  
1993 - Susp OL 3; Failure to Delivered Leased Property; NVOL; Hit and Run Attended; Negligent  
Driving; Susp OL 2; DWLS 2;  
Juvenile  
1991 - Possession of Marijuana LT 40g; Criminal Trespass 2; Obstruction;  
1989 - Attempted Theft 3; Obstruction;

Prepared By: KCB

King County Prosecuting Attorney/Department of Corrections  
Criminal History Partnership - 10/13/99

Community Corrections Assistant

STATE'S SENTENCE RECOMMENDATION  
(NON-SEX OFFENSE ; COMMITTED on or after 7/1/2000; SENTENCE OVER ONE YEAR)

Date of Crime : 5/14/02 Date: 5/15/02 8/18/02  
Defendant: Anthony Bradley Cause No.: 02-C-04718-8 SEAKNT

State recommends that the defendant be sentenced to a term of total confinement in the Department of Corrections as follows:

Count I 2333 months (Actual) Count IV \_\_\_\_\_ months  
Count II \_\_\_\_\_ months Count V \_\_\_\_\_ months  
Count III \_\_\_\_\_ months Count VI \_\_\_\_\_ months

Terms on each count to run concurrently/consecutively with each other.

Terms to be served concurrently/consecutively with: 02-C-04718-4 Sen

Terms to be consecutive to any other term(s) not specifically referred to in this form.

☐ **WEAPONS ENHANCEMENT - RCW 9.94A.310:** The above recommended term(s) of confinement include the following weapons enhancement time: \_\_\_\_\_ months for Ct. \_\_\_\_\_, \_\_\_\_\_ months for Ct. \_\_\_\_\_, \_\_\_\_\_ months for Ct. \_\_\_\_\_; which is/are mandatory, served without good time and served consecutive to any other term of confinement. The total of all recommended terms of confinement in this cause is: \_\_\_\_\_ months.

☐ **WORK ETHIC CAMP - RCW 9.94A.137:** Defendant is legally eligible (range is not less than 12 months and 1 day; not more than 36 months; current offense is not VUCSA or VUCSA solicitation for crimes after 7/25/99; no current or prior violent or sex offense). Work Ethic Camp is/is not recommended. If not, why not: \_\_\_\_\_

☐ **DRUG OFFENDER SENTENCE ALTERNATIVE - RCW 9.94A.120(6)(a)** Legal Eligibility: 1) no current or prior violent offenses, sex offenses; 2) no weapon enhancement; 3) if VUCSA "small quantity" of drugs, 4) not deportable. (If DOSA is recommended, use DOSA Recommendation form instead of this form.) Defendant is not eligible for DOSA because: Actual

☒ **EXCEPTIONAL SENTENCE: RCW 9.94A.120(2); RCW 9.94A.390.** This is an exceptional sentence, and the substantial and compelling reasons for departing from the presumptive sentence range are set forth on the attached form.

☐ **NO CONTACT:** For the maximum term, defendant have no contact with \_\_\_\_\_

**MONETARY PAYMENTS:** Defendant make the following monetary payments under the supervision of the Department of Corrections for up to 10 years pursuant to RCW 9.94A.120(12) and RCW 9.94A.145.

☐ Restitution as set forth in the "Plea Agreement" page and ☐ Appendix C.

X Court costs; mandatory \$500 Victim Penalty Assessment, recoupment of cost for appointed counsel.

☒ King County Local Drug Fund \$150.00; ☐ \$100 lab fee RCW 43.43.690.

☒ \$1,000, fine for VUCSA; ☒ \$2,000, fine for subsequent VUCSA. ☐ Fine of \$ \_\_\_\_\_;

☒ Costs of incarceration in K.C. Jail at \$50 per day. RCW 9.94A.145(2); ☐ Extradition costs of \$ \_\_\_\_\_;

☐ Emergency Response Costs, \_\_\_\_\_ RCW 38.52.430; ☐ Other \_\_\_\_\_

**COMMUNITY CUSTODY (RCW 9.94A.120(11):** Offenders sentenced to the custody of the Department of Corrections for certain offenses shall serve a term of community custody for the applicable period set forth below, the period of earned early release, or whichever is longer.

<input type="checkbox"/> Sex Offense	36 - 48 months	<input type="checkbox"/> Crimes Against Persons	9 - 18 months	Check box for largest applicable range
<input type="checkbox"/> Serious Violent Offense	24 - 48 months	<input checked="" type="checkbox"/> Violation of Ch. 69.50 or .52	9 - 12 months	
<input type="checkbox"/> Violent Offense	18 - 36 months			

Discretionary conditions recommended by the state: \_\_\_\_\_

**MANDATORY CONSEQUENCES:** HIV blood testing (RCW 70.24.340) for any sex offense, prostitution related offense, or drug offense associated with needle use. DNA testing (RCW 43.43.754) for any sex offense or violent offense as defined in RCW 9.94A.030. Driver's License Revocation (RCW 46.20.285; RCW 69.50.420). Revocation of right to possess a Firearm (RCW 9.41.040).

Approved by:

[Signature]  
Deputy Prosecuting Attorney WSBA No. 1132

## APPENDIX C

COMMITMENT ISSUED OCT 17 2002

VUCSA OVER 21

FILED

02 OCT 17 AM 9:59

KING COUNTY  
SUPERIOR COURT CLERK  
SEATTLE, WA.

## SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

No. 021074134SEA

Vs.

JUDGMENT AND SENTENCE  
FELONY

Anthony bradley

Defendant,

## I. HEARING

I.1 The defendant, the defendant's lawyer, JULIA A. GARFOND, and the deputy prosecuting attorney were present at the sentencing hearing conducted today. Others present were: \_\_\_\_\_

## II. FINDINGS

There being no reason why judgment should not be pronounced, the court finds:

2.1 CURRENT OFFENSE(S): The defendant was found guilty on Sept 26 '02 by plea of:

Count No.: I Crime: VUCSA - pass. w/ intent to deliv. / MAN. Crack Cocaine  
 RCW: 9A.50.401(A)(1)(i) Crime Code: 02-368236  
 Date of Crime: Aug 16 '02 Incident No. 02-368236

Count No.: \_\_\_\_\_ Crime: \_\_\_\_\_  
 RCW: \_\_\_\_\_ Crime Code: \_\_\_\_\_  
 Date of Crime: \_\_\_\_\_ Incident No. \_\_\_\_\_

Count No.: \_\_\_\_\_ Crime: \_\_\_\_\_  
 RCW: \_\_\_\_\_ Crime Code: \_\_\_\_\_  
 Date of Crime: \_\_\_\_\_ Incident No. \_\_\_\_\_

Count No.: \_\_\_\_\_ Crime: \_\_\_\_\_  
 RCW: \_\_\_\_\_ Crime Code: \_\_\_\_\_  
 Date of Crime: \_\_\_\_\_ Incident No. \_\_\_\_\_

[ ] Additional current offenses are attached in Appendix A

**SPECIAL VERDICT or FINDING(S):**

- (a) ☐ While armed with a firearm in count(s) \_\_\_\_\_ RCW 9.94A.310(3).  
(b) ☐ While armed with a deadly weapon other than a firearm in count(s) \_\_\_\_\_ RCW 9.94A.310(4).  
(c) ☐ With a sexual motivation in count(s) \_\_\_\_\_ RCW 9.94A.127.  
(d) ☐ A V.U.C.S.A. offense committed in a protected zone in count(s) \_\_\_\_\_ RCW 69.50.435.  
(e) ☐ Vehicular homicide ☐ Violent traffic offense ☐ DUI ☐ Reckless ☐ Disregard.  
(f) ☐ Vehicular homicide by DUI with \_\_\_\_\_ prior conviction(s) for offense(s) defined in RCW 41.61.5055, RCW 9.94A.310(7).  
(g) ☐ Non-parental kidnapping or unlawful imprisonment with a minor victim. RCW 9A.44.130.  
(h) ☐ Domestic violence offense as defined in RCW 10.99.020 for count(s) \_\_\_\_\_.  
(i) ☐ Current offenses encompassing the same criminal conduct in this cause are count(s) \_\_\_\_\_ RCW 9.94A.400(1)(a).

**2.2 OTHER CURRENT CONVICTION(S):** Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number): \_\_\_\_\_

**2.3 CRIMINAL HISTORY:** Prior convictions constituting criminal history for purposes of calculating the offender score are (RCW 9.94A.360):

- ☐ Criminal history is attached in Appendix B.  
☐ Prior convictions counted as one offense in determining the offender score (RCW 9.94A.360(5)) are: \_\_\_\_\_  
☐ One point added for offense(s) committed while under community placement for count(s) \_\_\_\_\_

**2.4 SENTENCING DATA:**

Sentencing Data	Offender Score	Seriousness Level	Standard Range	Enhancement	Total Standard Range	Maximum Term
Count	9	VII	87-116		87-116 mo.	2y/6, \$50,000
Count						
Count						
Count						

- ☐ Additional current offense sentencing data is attached in Appendix C.

**2.5 EXCEPTIONAL SENTENCE:**

- ☐ Substantial and compelling reasons exist which justify a sentence above/below the standard range for Count(s) \_\_\_\_\_. Findings of Fact and Conclusions of Law are attached in Appendix D. The State ☐ did ☐ did not recommend a similar sentence.

**III. JUDGMENT**

IT IS ADJUDGED that defendant is guilty of the current offenses set forth in Section 2.1 above and Appendix A.

- ☐ The Court DISMISSES Count(s) \_\_\_\_\_

#### IV. ORDER

IT IS ORDERED that the defendant serve the determinate sentence and abide by the other terms set forth below.

##### 4.1 RESTITUTION AND VICTIM ASSESSMENT:

- ☐ Defendant shall pay restitution to the Clerk of this Court as set forth in attached Appendix E.  
☐ Defendant shall not pay restitution because the Court finds that extraordinary circumstances exist, and the court, pursuant to RCW 9.94A.142(2), sets forth those circumstances in attached Appendix E.  
☐ Restitution to be determined at future restitution hearing on (Date) \_\_\_\_\_ at \_\_\_\_\_ m.  
☐ Date to be set.  
☐ Defendant waives presence at future restitution hearing(s).  
☐ Restitution is not ordered.

Defendant shall pay Victim Penalty Assessment pursuant to RCW 7.68.035 in the amount of \$500.

##### 4.2 OTHER FINANCIAL OBLIGATIONS: Having considered the defendant's present and likely future financial resources, the Court concludes that the defendant has the present or likely future ability to pay the financial obligations imposed. The Court waives financial obligation(s) that are checked below because the defendant lacks the present and future ability to pay them. Defendant shall pay the following to the Clerk of this Court:

- (a) ☐ \$ 0, Court costs; ☐ Court costs are waived; (RCW 9.94A.030, 10.01.160)  
(b) ☐ \$ 0, Recoupment for attorney's fees to King County Public Defense Programs;  
☐ Recoupment is waived (RCW 9.94A.030);  
(c) ☐ \$ 0, Fine; ☐ \$1,000, Fine for VUCSA; ☐ \$2,000, Fine for subsequent VUCSA;  
☐ VUCSA fine waived (RCW 69.50.430);  
(d) ☐ \$ 0, King County Interlocal Drug Fund; ☐ Drug Fund payment is waived;  
(RCW 9.94A.030)  
(e) ☐ \$ 0, State Crime Laboratory Fee; ☐ Laboratory fee waived (RCW 43.43.690);  
(f) ☐ \$ 0, Incarceration costs; ☐ Incarceration costs waived (RCW 9.94A.145(2));  
(g) ☐ \$ 0, Other costs for: \_\_\_\_\_

##### 4.3 PAYMENT SCHEDULE: Defendant's TOTAL FINANCIAL OBLIGATION is: \$ 500. The payments shall be made to the King County Superior Court Clerk according to the rules of the Clerk and the following terms: ☐ Not less than \$ \_\_\_\_\_ per month; ☐ On a schedule established by the defendant's Community Corrections Officer. Financial obligations shall bear interest pursuant to RCW 10.82.090. The Defendant shall remain under the Court's jurisdiction and the supervision of the Department of Corrections for up to ten years from the date of sentence or release from confinement to assure payment of financial obligations.

interest waived

4.4 **1999 EXPANDED SPECIAL DRUG OFFENDER SENTENCING ALTERNATIVE (D.O.S.A.) :**  
The Court finds the defendant eligible pursuant to RCW 9.94A.120(6)(a), as amended by CH 197, 1999 LAWS, eff. 7-25-99; [recodified RCW 9.94A.660 eff. 7-1-01] that the defendant and the community will benefit from use of D.O.S.A.; waives imposition of sentence within the standard range and sentences the defendant as follows:

- (a) **TOTAL CONFINEMENT**, RCW 9.94A.120(6)(b): The defendant is sentenced to the following term(s) of commitment in the custody of the DEPT. OF CORRECTIONS to commence ☐ immediately ☐ not later than \_\_\_\_\_ at \_\_\_\_\_ P.M.

50.75 months on Count No. I ; \_\_\_\_\_ months on Count No. \_\_\_\_\_  
\_\_\_\_\_ months on Count No. \_\_\_\_\_ ; \_\_\_\_\_ months on Count No. \_\_\_\_\_  
\_\_\_\_\_ months on Count No. \_\_\_\_\_ ; \_\_\_\_\_ months on Count No. \_\_\_\_\_

- (b) The above term(s) of confinement represent one half of the midpoint of the standard range.

- (c) The terms imposed herein shall be served concurrently.

The term(s) imposed herein shall run concurrent ~~consecutive~~ with cause No(s) 026047188 SEA

The term(s) imposed herein shall run consecutively to any previously imposed commitment not referred to in this judgment.

- (d) The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause. RCW 9.94A.120(17). The time shall be compiled by the JAIL unless specifically set by the court as follows: \_\_\_\_\_

- (e) While incarcerated in the Department of Corrections the defendant shall undergo a comprehensive substance abuse assessment and receive, within available resources, appropriate treatment services.

4.5 **COMMUNITY CUSTODY:** The court further imposes 50.75 months, the remainder(s) of the midpoint(s) of the standard range(s), as a term of community custody during which time the defendant shall comply with the instructions, rules and regulations promulgated by the Department for conduct of the defendant during community custody; shall perform affirmative acts necessary to monitor compliance, shall obey all laws and comply with the following mandatory statutory requirements:

- (1) The defendant shall not own, use or possess any firearm or ammunition. RCW 9.94A.120(16).
- (2) The defendant shall not use illegal controlled substances and shall submit to urinalysis or other testing to monitor compliance. RCW 9.94A.120(6)(b)(ii), and (iii)
- (3) The defendant shall complete appropriate substance abuse treatment in a program approved by D.S.H.S., Division of Alcohol and Substance Abuse. RCW 9.94A.120(6)(b)(i)

The court further imposes the following non-mandatory conditions of Community Custody (if checked):

- (4) ☒ The defendant shall not use any alcohol or controlled substances without prescription and shall undergo testing to monitor compliance.
- (5) ☐ Devote time to a specific employment or training.
- (6) ☐ Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment.
- (7) ☒ Report as directed to a community corrections officer.
- (8) ☒ Pay all court ordered legal financial obligations.
- (9) ☐ Perform community service work.



(10) ☐ Stay out of designated areas as follows: \_\_\_\_\_

(11) ☐ Other conditions as set forth in Appendix F

- 4.6 **NON-COMPLIANCE RCW 9.94A.120(6)(c)(e):** If the defendant fails to complete the Department's special drug offender sentencing alternative program or is administratively terminated from the program, he/she shall be reclassified by the Department to serve the balance of the unexpired term of sentence. If the defendant fails to comply with the conditions of supervision as defined by the Department, he/she shall be sanctioned. Sanctions may include reclassification by the Department to serve the balance of the unexpired term of sentence.

For offenses committed after 7-1-2000 the court further imposes the following additional terms of Community Custody upon failure to complete or administrative termination from D.O.S.A. program: the entire period of earned early release or for any "crime against person" in section 2.1 herein 9 - 18 months; for any violation of 69.50/52 in section 2.1 herein 9 - 12 months whichever is longer. The defendant in this event shall comply with the conditions of Community Custody set forth in section 4.5 herein.

- 4.7 ☐ **BLOOD TESTING** (Prostitution offense or drug offense associated with the use of hypodermic needles): Appendix G, covering blood testing and counseling, is attached and incorporated by reference into this Judgment and Sentence.
- 4.8 ☐ **OFF-LIMITS ORDER:** The defendant, having been found to be a known drug trafficker, shall neither enter nor remain in the protected against drug trafficking area(s) as described in Appendix I during the term of community supervision. Appendix I is attached and incorporated by reference into this Judgment and Sentence.
- 4.9 ☐ **NO CONTACT:** For the maximum term of \_\_\_\_\_ years, defendant shall have no contact with \_\_\_\_\_

Date: 10-16-02

JUDGE

Print Name: \_\_\_\_\_

Kenneth Constable  
Pro Tem

Presented by:

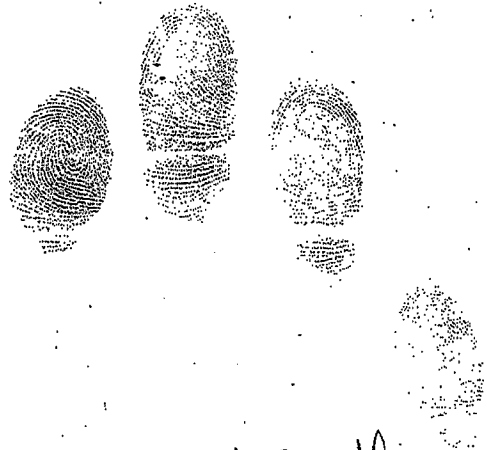
Jenn Miller  
Deputy Prosecuting Attorney, WSBA# 31600  
Print Name: Jenn Miller

Approved as to form:

Julie A. Grisford  
Attorney for Defendant, WSBA # 20916  
Print Name: Julie A. Grisford

FINGERPRINTS

BEST AVAILABLE IMAGE POSSIBLE



RIGHT HAND  
FINGERPRINTS OF:

DATED: 10/10/02

Kenneth C. Matlock  
JUDGE, KING COUNTY SUPERIOR COURT

DEFENDANT'S SIGNATURE: Orlly Brady  
DEFENDANT'S ADDRESS

ATTESTED BY:  
PAUL L. SHERFEY, SUPERIOR COURT CLERK

BY: [Signature]

DEPUTY CLERK

CERTIFICATE

I, \_\_\_\_\_,  
CLERK OF THIS COURT, CERTIFY THAT  
THE ABOVE IS A TRUE COPY OF THE  
JUDGMENT AND SENTENCE IN THIS  
ACTION ON RECORD IN MY OFFICE.  
DATED: \_\_\_\_\_

CLERK

BY: \_\_\_\_\_

DEPUTY CLERK

OFFENDER IDENTIFICATION

S.I.D. NO.

DATE OF BIRTH:

SEX:

RACE:

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

Anthony Bradley

Defendant.

NO. 02107413452A

JUDGMENT AND SENTENCE  
(FELONY) — APPENDIX F,  
ADDITIONAL CONDITIONS  
OF SENTENCE

Additional conditions of sentence are:

Defendant must obey rules of DASA program  
& follow treatment

Date:

October 16, 2002

Kenneth Constock  
Judge, King County Superior Court

Pro Tem.

## APPENDIX D

FILED

02 SEP 27 PM 2:48

KING COUNTY  
SUPERIOR COURT CLERK  
SEATTLE, WA.

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

Vs.

ANTHONY L. BRADLEY

Defendant,

ORIGINAL

No. 02-C-07413-1564

STATEMENT OF DEFENDANT ON  
PLEA OF GUILTY (Felony)

1. My true name is ANTHONY L. BRADLEY
2. My age is 28 Date of Birth 9/16/74
3. I went through the 12<sup>th</sup> grade and 1 yr in Harrison Community  
cor. inst.
4. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT:
  - (a) I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me. My lawyer's name is John A. Gaffney
  - (b) I am charged with the crime(s) of POSSESSION WITH INTENT TO DISTRIBUTE  
The elements of this crime(s) are IN KING CO, WA ON 8/16/02 I  
KNOWINGLY POSSESSED WITH INTENT TO DISTRIBUTE COCAINE, A  
CONTROLLED, MANUFACTURED, ILLICIT SUBSTANCE, KNOWING IT  
WAS A CONTROLLED SUBSTANCE.

FORM REV 7/12/00

STATEMENT OF DEFENDANT ON PLEA OF GUILTY  
(Felony) - 1



1 5. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT I HAVE THE  
2 FOLLOWING IMPORTANT RIGHTS, AND I GIVE THEM ALL UP BY  
3 PLEADING GUILTY:

4 (a) The right to a speedy and public trial by an impartial jury in the county where the crime  
5 is alleged to have been committed;

6 (b) The right to remain silent before and during trial, and the right to refuse to testify against  
7 myself;

8 (c) The right at trial to testify and to hear and question the witnesses who testify against me;

9 (d) The right at trial to have witnesses testify for me. These witnesses can be made to  
10 appear at no expense to me;

11 (e) The right to be presumed innocent until the charge is proven beyond a reasonable doubt  
12 or I enter a plea of guilty;

13 (f) The right to appeal a determination of guilt after a trial.

14 6. IN CONSIDERING THE CONSEQUENCES OF MY GUILTY PLEA(S), I  
15 UNDERSTAND THAT:

16 (a) The crime(s) with which I am charged carries a sentence(s) of:

Count No.	Standard Range	Enhancement That Will Be Added to Standard Range	Maximum Term and Fine
17	87-116 months	NONE	20 years \$ 50,000
18			_____ years \$ _____
19			_____ years \$ _____

20  
21 RCW 9.94A.030(23), (27), provide that for a third conviction for a "most serious offense" as  
22 defined in that statute or for a second conviction for a "most serious offense" which is also a "sex

FORM REV 7/12/00

STATEMENT OF DEFENDANT ON PLEA OF GUILTY  
(Felony) - 2

offense" as defined in that statute, I may be found a Persistent Offender. If I am found to be a Persistent Offender, the Court must impose the mandatory sentence of life imprisonment without the possibility of early release of any kind, such as parole or community custody. RCW 9.94A.120(4). The law does not allow any reduction of this sentence.

(b) The standard sentence range is based on the crime charged and my criminal history. Criminal history includes prior convictions, whether in this state, in federal court, or elsewhere. If my current offense was prior to 7/1/97: criminal history always includes juvenile convictions for sex offenses and also for Class A felonies that were committed when I was 15 years of age or older; may include convictions in Juvenile Court for felonies or serious traffic offenses that were committed when I was 15 years of age or older; and juvenile convictions, except those for sex offenses and Class A felonies, count only if I was less than 23 years old when I committed the crime to which I am now pleading guilty. If my current offense was after 6/30/97: criminal history includes all prior adult and juvenile convictions or adjudications.

(c) The prosecuting attorney's statement of my criminal history is attached to this agreement. Unless I have attached a different statement, I agree that the prosecuting attorney's statement is correct and complete. If I have attached my own statement, I assert that it is correct and complete. If I am convicted of any additional crimes between now and the time I am sentenced, I am obligated to tell the sentencing judge about those convictions.

(d) If I am convicted of any new crimes before sentencing, or if I was on community placement at the time of the offense to which I am now pleading guilty, or if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendations may increase. Even so, my plea of guilty to this charge is binding on me. I

FORM REV 7/12/00

STATEMENT OF DEFENDANT ON PLEA OF GUILTY  
(Felony) - 3

1 cannot change my mind if additional criminal history is discovered even though the standard  
2 sentencing range and the prosecuting attorney's recommendation increase.

3 If the current offense to which I am pleading guilty is a most serious offense as defined by  
4 RCW 9.94A.030(23),(27), and additional criminal history is discovered, not only do the conditions  
5 of the prior paragraph apply, but also if my discovered criminal history contains two prior  
6 convictions, whether in this state, in federal court, or elsewhere, of most serious offense crimes, I  
7 may be found to be a Persistent Offender. If I am found to be a Persistent Offender, the Court must  
8 impose the mandatory sentence of life imprisonment without the possibility of early release of any  
9 kind, such as parole or community custody. RCW 9.94A.120(4).

10 Even so, my plea of guilty to this charge may be binding on me. I cannot change my plea if  
11 additional criminal history is discovered, even though it will result in the mandatory sentence that  
12 the law does not allow to be reduced.

13 (e) In addition to sentencing me to confinement for the standard range, the judge will order  
14 me to pay \$500 as a victim's compensation fund assessment. If this crime resulted in injury to any  
15 person or damages to or loss of property, the judge will order me to make restitution, unless  
16 extraordinary circumstances exist which make restitution inappropriate. The judge may also order  
17 that I pay a fine, court costs, incarceration, lab and attorney fees. Furthermore, the judge may place  
18 me on community supervision, community placement or community custody, impose restrictions on  
19 my activities, rehabilitative programs, treatment requirements, or other conditions, and order me to  
20 perform community service.

21 (f) The prosecuting attorney will make the following recommendation to the judge: \_\_\_\_\_

22 87 MONTHS (LOW END) CONFINEMENT TO 02-C-04718-8 SGA  
FORM REV 7/12/00 VPA, DRUG FINE ~~AND~~ COSTS, LOCAL DRUG FEE,  
INCARCERATION COSTS, BUT CAN REQUEST DOSA  
STATEMENT OF DEFENDANT ON PLEA OF GUILTY  
(Felony) - 4



1  
2  
3 ☒ See attached Plea Agreement and State's Sentence Recommendation.

4 (g) The judge does not have to follow anyone's recommendation as to sentence. The judge  
5 must impose a sentence within the standard range unless the judge finds substantial and compelling  
6 reasons not to do so. If the judge goes outside the standard range, either I or the State can appeal  
7 that sentence. If the sentence is within the standard range, no one can appeal the sentence.

8 (h) The crime of \_\_\_\_\_ has a mandatory minimum sentence  
9 of at least \_\_\_\_\_ years of total confinement. The law does not allow any reduction of this  
10 sentence. [If not applicable, this paragraph should be stricken and initialed by the defendant and the  
11 judge MS .] BT

12 The crime of \_\_\_\_\_ is a most serious offense as defined by  
13 RCW 9.94A.030(23), and if the judge determines that I have at least two prior convictions on  
14 separate occasions whether in this state, in federal court, or elsewhere, of most serious crimes, I may  
15 be found to be a Persistent Offender. If I am found to be a Persistent Offender, the Court must  
16 impose the mandatory sentence of life imprisonment without the possibility of early release of any  
17 kind, such as parole or community custody. RCW 9.94A.120(4). [If not applicable, this paragraph  
18 should be stricken and initialed by the defendant and the judge MS .] BT

19 The crime of \_\_\_\_\_ is also a "most serious offense" and a  
20 "sex offense" as defined in RCW 9.94A.030(23) and (27), and if the judge determines that I have  
21 one prior conviction whether in this state, in federal court or elsewhere of a most serious sex offense  
22 as defined in that statute, I may also be found to be a Persistent Offender in which case the judge  
FORM REV 7/12/00

1 must impose a mandatory sentence of life without the possibility of parole. RCW 9.94A.120(4). [If  
2 not applicable, this paragraph should be stricken and initialed by the defendant and the judge AB  
B#

3 \_\_\_\_.]

4 (i) The crime charged in Count \_\_\_\_ includes a firearm/deadly weapon sentence  
5 enhancement of \_\_\_\_ months.

6 This additional confinement time is mandatory and must be served consecutively to any  
7 other sentence I have already received or will receive in this or any other cause. [If not applicable,  
8 this paragraph should be stricken and initialed by the defendant and the judge AB  
B#]

9 (j) The sentences imposed on counts \_\_\_\_, except for any weapons enhancement,  
10 will run concurrently unless the judge finds substantial and compelling reason to do otherwise or  
11 unless there is a special weapons finding. [If not applicable, this paragraph should be stricken and  
12 initialed by the defendant and the judge AB  
B#]

13 (k) In addition to confinement, the judge will sentence me to a period of community  
14 supervision, community placement or community custody.

15 For crimes committed prior to July 1, 2000, the judge will sentence me to: (A) community  
16 supervision for a period of up to one year; or (B) to community placement or community custody  
17 for a period up to three years or up to the period of earned release awarded pursuant RCW  
18 9.94A.150(1) and (2), whichever is longer. [If not applicable, this paragraph should be stricken and  
19 initialed by the defendant and the judge AB  
B#]

20 For crimes committed on or after July 1, 2000, the judge will sentence me to the community  
21 custody range which is from 9 months to 12 months or up to the period of earned  
22 release awarded pursuant to RCW 9.94A.150(1) and (2), whichever is longer, unless the judge finds  
FORM REV 7/12/00

STATEMENT OF DEFENDANT ON PLEA OF GUILTY  
(Felony) - 6

1 substantial and compelling reasons to do otherwise. During the period of community custody I will  
2 be under the supervision of the Department of Corrections, and I will have restrictions and  
3 requirements placed upon me. My failure to comply with these conditions will result in the  
4 Department of Corrections transferring me to a more restrictive confinement status or imposing  
5 other sanctions. [If not applicable, this paragraph should be stricken and initialed by the defendant  
6 and the judge \_\_\_\_\_.]

7 (l) If this offense is a sex offense committed after 6/5/96 and I am either sentenced to the  
8 custody of the Department of Corrections or if I am sentenced under the special sexual offender  
9 sentence alternative, the court will, in addition to the confinement, impose not less than 3 years of  
10 community custody which will commence upon my release from jail or prison. Failure to comply  
11 with community custody may result in my return to confinement. In addition, the court may extend  
12 the period of community custody in the interest of public safety for a period up to the maximum  
13 term which is \_\_\_\_\_. [If not applicable,  
14 this paragraph should be stricken and initialed by the defendant and the judge AB.] BH

15 (m) The judge may sentence me as a first-time offender instead of imposing a sentence  
16 within the standard range if I qualify under RCW 9.94A.030. This sentence may include as much as  
17 90 days of confinement plus all of the conditions described in paragraph (e). In addition, I may be  
18 sentenced up to two years of community supervision if the crime was committed prior to July 1,  
19 2000, or two years of community custody if the crime was committed on or after July 1, 2000. The  
20 judge also may require me to undergo treatment, to devote time to a specific occupation, and to  
21 pursue a prescribed course of study or occupational training. [If not applicable, this paragraph  
22 should be stricken and initialed by the defendant and the judge AB.] BH

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STATEMENT OF DEFENDANT ON PLEA OF GUILTY  
(Felony) - 7

1 (n) This plea of guilty will result in revocation of my privilege to drive under RCW  
2 46.20.285 (1)-(3), (5)-(7). If I have a driver's license, I must now surrender it to the judge. [If not  
3 applicable, this paragraph should be stricken and initialed by the defendant and the judge AB.]

4 (o) I understand that RCW 46.20.285(4) requires that my driver's license be revoked if the  
5 judge finds I used a motor vehicle in the commission of this felony.

6 (p) If this crime involves a sexual offense, prostitution, or a drug offense associated with  
7 hypodermic needles, I will be required to undergo testing for the human immunodeficiency (AIDS)  
8 virus. [If not applicable', this paragraph should be stricken and initialed by the defendant and the  
9 judge AB.] BB

10 (q) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a  
11 crime under state law is grounds for deportation, exclusion from admission to the United States, or  
12 denial of naturalization pursuant to the laws of the United States.

13 (r) If this crime involves a sex offense or a violent offense, I will be required to provide a  
14 sample of my blood for purposes of DNA identification analysis. [If not applicable', this paragraph  
15 should be stricken and initialed by the defendant and the judge AB.] BB

16 (s) Because this crime involves a sex offense, I will be required to register with the sheriff  
17 of the county of the state of Washington where I reside. I must register immediately upon being  
18 sentenced unless I am in custody, in which case I must register within 24 hours of my release.

19 If I leave this state following my sentencing or release from custody but later move back to  
20 Washington, I must register within 30 days after moving to this state or within 24 hours after doing  
21 so if I am under the jurisdiction of this state's Department of Corrections.

22  
FORM REV 7/12/00

STATEMENT OF DEFENDANT ON PLEA OF GUILTY  
(Felony) - 8

1 If I change my residence within a county, I must send written notice of my change of  
2 residence to the sheriff at least 14 days before moving and must register again with the sheriff  
3 within 24 hours of moving. If I change my residence to a new county within this state, I must send  
4 written notice of my change of residence to the sheriff of my new county at least 14 days before  
5 moving and I must give written notice of my change of address to the sheriff of the county where I  
6 last registered within 10 days of moving. If I move out of Washington state, I must also send  
7 written notice within 10 days of moving to the county sheriff with whom I last registered in  
8 Washington state. [If not applicable, this paragraph should be stricken and initialed by the  
9 defendant and the judge (initials).]

10 (t) This plea of guilty will result in the revocation of my right to possess any firearm.  
11 Possession of any firearm after this plea is prohibited by law until my right to possess a firearm is  
12 restored by a court of record.

13 7. I plead guilty to the crime(s) of POSSESSION OF COCAINE  
14 WITH INTENT TO DELIVER

15  
16 as charged in the ORIGINAL information. I have received a copy of that information.

17 8. I make this plea freely and voluntarily.

18 9. No one has threatened harm of any kind to me or to any other person to cause me to make  
19 this plea.

20 10. No person has made promises of any kind to cause me to enter this plea except as set  
21 forth in this statement.

22 FORM REV 7/12/00

STATEMENT OF DEFENDANT ON PLEA OF GUILTY  
(Felony) - 9

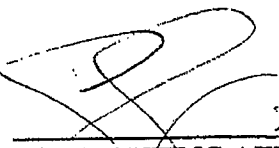
1 11. The judge has asked me to state briefly in my own words what I did that makes me  
2 guilty of this (these) crime(s). This is my statement:

3 IN KING CO WA ON 8/16/02  
4 AND FURIOUSLY I KNOWINGLY POSSESSED COCAINE WITH INTENT TO  
5 ~~DELIVER~~ I KNEW COCAINE  
6 ~~AB~~ WAS A CONTROLLED ILLEGAL SUBSTANCE

7  
8  
9  
10  
11  
12  
13  
14 12. My lawyer has explained to me, and we have fully discussed, all of the above  
15 paragraphs. I understand them all. I have been given a copy of this "Statement of Defendant on  
16 Plea of Guilty." I have no further questions to ask the judge.

17   
18 DEFENDANT

19 I have read and discussed this statement  
20 with the defendant and believe that the  
21 defendant is competent and fully  
22 understands the statement.

21  71051  
22 PROSECUTING ATTORNEY  
FORM REV 7/12/00

  
DEFENDANT'S LAWYER

#20296

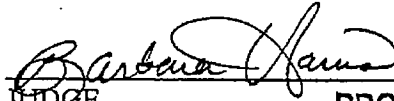
STATEMENT OF DEFENDANT ON PLEA OF GUILTY  
(Felony) - 10

1 The foregoing statement was signed by the defendant in open court in the presence of the  
2 defendant's lawyer and the undersigned judge. The defendant asserted that [check appropriate box]:

- 3 ☐ (a) The defendant had previously read; or  
4 ☐ (b) The defendant's lawyer had previously read to him or her; or  
5 ☐ (c) An interpreter had previously read to the defendant the entire statement above and that the  
6 defendant understood it in full.

7 I find the defendant's plea of guilty to be knowingly, intelligently and voluntarily made. The  
8 defendant understands the charges and the consequences of the plea. There is a factual basis for the  
9 plea. The defendant is guilty as charged.

10 Dated this 26 day of Sept., 2002.

11   
12 JUDGE PRO TEM

13 I am fluent in the \_\_\_\_\_ language and I have translated this entire document for  
14 the defendant from English into that language. I certify under penalty of perjury under the laws of  
15 the State of Washington that the foregoing is true and correct.

16 Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

17 \_\_\_\_\_  
18 TRANSLATOR

19 \_\_\_\_\_  
20 INTERPRETER

21 FORM REV 7/12/00

22 STATEMENT OF DEFENDANT ON PLEA OF GUILTY  
(Felony) - 11

1  
2  
3  
4  
5  
6  
7 SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

8 THE STATE OF WASHINGTON, )  
9 Plaintiff, ) No. 02-C-07413-4 SEA  
10 v. ) 02-C-07414-2 SEA  
11 ANTHONY LAMOUNT BRADLEY, and ) INFORMATION  
12 JOYCE MARIE HAYES )  
13 and each of them, )  
14 Defendants. )

15 I, Norm Maleng, Prosecuting Attorney for King County in the  
16 name and by the authority of the State of Washington, do accuse  
17 ANTHONY LAMOUNT BRADLEY and JOYCE MARIE HAYES, and each of them, of  
the crime of Violation of the Uniform Controlled Substances Act,  
committed as follows:

18 That the defendants ANTHONY LAMOUNT BRADLEY and JOYCE MARIE  
19 HAYES, and each of them, in King County, Washington on or about  
20 August 16, 2002, unlawfully and feloniously did possess with intent  
to manufacture or deliver Cocaine, a controlled substance and a  
narcotic drug, and did know it was a controlled substance;

21 Contrary to RCW 69.50.401(a)(1)(i), and against the peace and  
22 dignity of the State of Washington.

23 NORM MALENG  
24 Prosecuting Attorney

25 By: \_\_\_\_\_  
26 Amy R. Holt, WSBA #28274  
27 Deputy Prosecuting Attorney

Norm Maleng  
Prosecuting Attorney  
W 554 King County Courthouse  
Seattle, Washington 98104-2312  
(206) 296-9000



1  
2  
3  
4  
5  
6  
7 CAUSE NO. 02-C-07413-4 SEA  
8 CAUSE NO. 02-C-07414-2 SEA

9 PROSECUTING ATTORNEY CASE SUMMARY AND REQUEST FOR BAIL AND/OR  
10 CONDITIONS OF RELEASE

11 The State incorporates by reference the Certification for  
12 Determination of Probable Cause for Seattle Police Department  
13 incident number 02-368236, signed by Officer R. Smith.

14 REQUEST FOR BAIL

15 Bail at First Appearance was set for defendant Bradley in the  
16 amount of \$25,000. Given Bradley's criminal and warrant history,  
17 as well as the fact that this offense occurred while he was  
18 released on bail for a pending VUCSA Possession with Intent charge  
19 (King County cause number 02-C-04718-8 SEA), the State requests  
20 that bail be increased to \$50,000. Defendant Bradley has adult  
21 felony convictions for VUCSA Delivery (two convictions, 1993 and  
22 1997), VUCSA Possession (three convictions, 1993-1995) and  
23 Attempting to Elude (1993). Bradley has juvenile felony  
24 convictions for VUCSA Delivery (two convictions, 1988-1989), VUCSA  
25 Possession with Intent (1991) and VUCSA Possession (two  
26 convictions, 1989). Bradley was convicted of Attempted VUCSA  
27 earlier this year, in April, 2002. Additionally, he has two  
Obstructing convictions and multiple driving offenses. According  
to Court Services, Bradley has been booked into the King County  
Jail 33 times since 1993 and has accrued 48 warrants on those  
bookings.

Bail was set at First Appearance for defendant Hayes in the  
amount of \$3,000. Based upon the large quantity of narcotics  
involved and the nature of the facts as outlined in the  
Certification for Determination of Probable Cause, the  
State requests that bail be increased to \$10,000.

Amy R. Holt, WSBA #28274

Prosecuting Attorney Case  
Summary and Request for Bail  
and/or Conditions of Release - 1

Norm Maleng  
Prosecuting Attorney  
W 554 King County Courthouse  
Seattle, Washington 98104-2312  
(206) 296-9000

CAUSE NO. **02 C 07413 4SEA**



SEATTLE  
POLICE  
DEPARTMENT

**CERTIFICATION FOR DETERMINATION  
OF PROBABLE CAUSE - NARCOTICS**

INCIDENT NUMBER <b>02-368236</b>
UNIT FILE NUMBER

That Police Officer R. Smith #5937 of the Seattle Police Department believes that there is probable cause that Anthony L. Bradley committed the crime(s) of Violation of the Uniformed Controlled Substances Act on August 16, 2002 at 2034 within the City of Seattle, County of King, State of Washington by possessing with intent to deliver/manufacture crack cocaine, a controlled substance.

This belief is predicated on the following facts and circumstances:

The West Precinct Anti-Crime Team (**WACT**) was assigned to serve a narcotics search warrant at **2408 2<sup>nd</sup> Ave #108**. The warrant was issued by King County Superior Court Judge Michael Fox on 8-15-2002 at 1042, with a 5-day expiration. The warrant described the premise to be searched, as well as a black male identified as "**Tone**," described as 6'1" 215 pounds, and a black female identified as "**Marla**," 5'6" and 180 pounds.

At about 2034 the **WACT** made entry into unit #108, and encountered **Bradley** in the kitchen and **Hayes** in the living room. **Bradley** was found to be 5'11" and 190 pounds, fitting the description of "**Tone**." **Hayes** identified herself as the resident of the premise. Several pieces of dominion and control were located to substantiate **Hayes'** address as 2408 2<sup>nd</sup> Ave #108.

Officer Z. Dornay recovered **48 grams** of suspected **flake cocaine** (field-test positive) in the kitchen, as well as a total of **46 grams** of suspected **crack cocaine** (field-test positive) in the same location.

**33 grams** of the total of the **46 grams** of suspected crack cocaine was packaged in a plastic baggie, and Officer Dornay saw **Bradley** throw the baggie to the ground as he entered the kitchen to contact **Bradley**.

Officer Dornay recovered the remaining **13 grams** of the total of **46 grams** of suspected **crack cocaine** in the kitchen sink, packaged in plastic.

Officer Dornay also recovered two scales of weight and measure, and two pieces of glassware coated with suspected **cocaine** residue (field-test positive) in the kitchen.

Officer Dornay recovered **\$101.00** in U.S. currency from the kitchen sink.

Officer Long recovered **\$600.00** in U.S. currency from **Bradley's** left sock.

I found a piece of glassware on a living room table containing **.5 grams** of suspected **crack cocaine**. I also recovered several pieces of mail inside the premise belonging to **Bradley**, but listing a Kent, WA address.

Officer Setterberg recovered **.7 grams** of suspected **crack cocaine** (field-test positive) from **Hayes**, and **\$38.00** in U.S. currency.

The arrests took place in **SODA Zone #1** and within a **Drug Free Zone** (Route #599 1<sup>st</sup> Ave and Wall St).

Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct to best of my knowledge and belief. Signed and dated by me this 17<sup>th</sup> day of Aug, 2002, at Seattle, Washington.

*R. Smith*

**ORIGINAL**

**PLEA AGREEMENT**

Date of Crime: 8/16/02

Date: 8/26/02

Defendant: Bradley, Anthony

Cause No: 02-C-07413-4 SEA/KNT

The State of Washington and the defendant enter into this PLEA AGREEMENT which is accepted only by a guilty plea. This agreement may be withdrawn at any time prior to entry of the guilty plea. The PLEA AGREEMENT is as follows:

On Plea To: As charged in Count(s) I of the ~~8~~ original ~~8~~ amended information.

☐ With Special Finding(s): ☐ deadly weapon - firearm, RCW 9.94A.310(3); ☐ deadly weapon other than firearm, RCW 9.94A.310(4); ☐ sexual motivation, RCW 9.94A.127; ☐ protected zone, RCW 69.50.435; ☐ domestic violence, ☐ other \_\_\_\_\_; for count(s): \_\_\_\_\_

1. ☐ DISMISS: Upon disposition of Count(s) \_\_\_\_\_ the State moves to dismiss Count(s): \_\_\_\_\_

2. ~~REAL FACTS OF HIGHER/MORE SERIOUS AND/OR ADDITIONAL CRIMES:~~ In accordance with RCW 9.94A.370, the parties have stipulated that the court, in sentencing, may consider as real and material facts information as follows:  
☒ as set forth in the certification(s) of probable cause and prosecutor's summary.  
☐ as set forth in \_\_\_\_\_

3. ☐ RESTITUTION: Pursuant to RCW 9.94A.142, the defendant agrees to pay restitution as follows:  
☐ in full to the victim(s) on charged counts.  
☐ as set forth in \_\_\_\_\_

4. ☒ OTHER: Agree to sentence to 87 months concurrent to  
02-C-04718-8 SEA (per E-Rogers)

**SENTENCE RECOMMENDATION:**

- a. ☒ The defendant agrees to the foregoing Plea Agreement and that the attached sentencing guidelines scoring form(s) (Appendix A) and the attached Prosecutor's Understanding of Defendant's Criminal History (Appendix B) are accurate and complete and that the defendant was represented by counsel or waived counsel at the time of prior conviction(s). The State makes the sentencing recommendation set forth in the State's sentence recommendation.
- b. ☐ The defendant disputes the Prosecutor's Statement of the Defendant's Criminal History, and the State makes no agreement with regard to a sentencing recommendation and may make a sentencing recommendation for the full penalty allowed by law.

Maximum on Count 1 is not more than 20 years and/or \$ 50,000 fine.

Maximum on Count \_\_\_\_\_ is not more than \_\_\_\_\_ years and/or \$ \_\_\_\_\_ fine.

☐ Mandatory Minimum Term(s) pursuant to RCW 9.94A.120(4) only: \_\_\_\_\_

☐ Mandatory weapon sentence enhancement for Count(s) \_\_\_\_\_ is \_\_\_\_\_ months each. This/these additional term(s) must be served consecutively to any other term and without any earned early release.

☐ Mandatory driver's license revocation RCW 46.20.285; 69.50.420

Mandatory revocation of right to possess a firearm and/or ammunition for any felony conviction. RCW 9.41.047.

The State's recommendation will increase in severity if additional criminal convictions are found or if the defendant commits any new charged or uncharged crimes, fails to appear for sentencing or violates the conditions of his release.

Anthony Bradley  
 Defendant  
John Adams / wd  
 Attorney for Defendant  
2004p

[Signature] (1132)  
 Deputy Prosecuting Attorney  
[Signature]  
 Judge, King County Superior Court  
PROCTEM

# **GENERAL SCORING FORM** **Drug Offenses**

Use this form only for the following offenses: Controlled Substance Homicide; Create, Deliver, or Possess a Counterfeit Controlled Substance - Methamphetamine; Create, Deliver, or Possess a Counterfeit Controlled Substance - Schedule I or II Narcotic; Create, Deliver, or Possess a Counterfeit Controlled Substance - Schedule III-V Narcotic or Schedule I-V Nonnarcotic; Deliver or Possess with Intent to Deliver Methamphetamine; Delivery of a Material in Lieu of a Controlled Substance; Involving a Minor in Drug Dealing; Manufacture, Deliver, or Possess with Intent to Deliver Amphetamine; Manufacture, Deliver, or Possess with Intent to Deliver Heroin or Cocaine; Manufacture, Deliver, or Possess with Intent to Deliver Marijuana; Manufacture, Deliver, or Possess with Intent to Deliver a Narcotic from Schedule I-II (except Heroin or Cocaine), or Flunitrazepam from Schedule IV; Manufacture, Deliver, or Possess with Intent to Deliver a Narcotic from Schedule III-V or Nonnarcotic from Schedule I-V (except Marijuana, Amphetamine, Methamphetamine, or Flunitrazepam); Maintaining a Dwelling for Controlled Substances; Manufacture of Methamphetamine; Over 18 and Deliver Heroin, Methamphetamine, a Narcotics from Schedule I or II, or Flunitrazepam from Schedule IV to Someone Under 18; Over 18 and Deliver Narcotics from Schedule III-V or a Nonnarcotic, except Flunitrazepam, or Methamphetamine from Schedule I-V to Someone under 18 and 3 years Junior; Possession of Ephedrine, Pseudoephedrine or Anhydrous Ammonia with Intent to manufacture Methamphetamine; Selling for Profit (Controlled or Counterfeit) any Controlled Substance.

<b>OFFENDER'S NAME</b> Bradley, Anthony L	<b>OFFENDER'S DOB</b> 09/16/1974	<b>STATE ID#</b> 14830884
<b>JUDGE</b>	<b>CAUSE#</b> 02C074134SEA	<b>FBI ID#</b> 57122TA8

DOC# 707050

In the case of multiple prior convictions for offenses committed before July 1, 1986, for purposes of computing the offender score, count all adult convictions served concurrently as one offense and juvenile convictions entered on the same date as one offense (RCW 9.94A.360).

**ADULT HISTORY**

Enter number of felony drug convictions\* (as defined by RCW 9.94A.030(16)).....  
Enter number of other felony convictions .....

$$\begin{array}{r} \_ \times 3 = \_ \\ 6 \times 1 = 6 \end{array}$$

**JUVENILE HISTORY**

Enter number of felony drug dispositions\*\* (as defined by RCW 9.94A.030(16)).....  
Enter number of other serious violent and violent felony dispositions.....  
Enter number of other felony dispositions.....

$$\begin{array}{r} \_ \times 2 = \_ \\ \_ \times 1 = \_ \\ 5 \times 1/2 = 2\frac{1}{2} \end{array}$$

**OTHER CURRENT OFFENSES: (Those offenses not encompassing the same criminal conduct)**

Enter number of other felony drug convictions\* (as defined by RCW 9.94A.030 (16)).....  
Enter number of other felony convictions.....

$$\begin{array}{r} \_ \times 3 = \_ \\ 1 \times 1 = 1 \end{array}$$

**STATUS AT TIME OF CURRENT OFFENSES:**

If on community placement at time of current offense, add 1 point.....

$$\_ + 1 = \_$$

Total the last column to get the Offender Score  
(Round down to the nearest whole number)

**9**

**STANDARD RANGE CALCULATION\***

VUCSA: PWI - Cocaine	VIII	9	87	To	116
CURRENT OFFENSE BEING SCORED	SERIOUSNESS LEVEL	OFFENDER SCORE	LOW STANDARD SENTENCE RANGE		HIGH

\* If the court orders a deadly weapons enhancement, use the applicable enhancement sheets on pages 111-14 or 111-15 to calculate the enhanced sentence.

\* Add additional time to the standard range for some drug offenses committed in a correctional facility or in a protected zone. See the individual offense reference sheets for specifics.

\* If Drug Offender Sentencing Alternative (DOSA) eligible: see DOSA form for alternative sentence on page III-16.

\*\* The Supreme Court clarified that solicitations to commit violations of the Uniform Controlled Substances Act (RCW 89.50) are not "drug offenses" and are not subject to the multiple "scoring" requirements for drug offenses, under RCW 9.94A.360, or to the community placement requirement for drug offenses, under RCW 9.94A.120(9)(a). See *In re Hopkins*, 137 Wn. 2d 897 (1999).

**APPENDIX B TO PLEA AGREEMENT  
PROSECUTOR'S UNDERSTANDING OF DEFENDANT'S CRIMINAL HISTORY  
(SENTENCING REFORM ACT)**

Defendant: **ANTHONY L BRADLEY**

FBI No.: **57122TA8**

State ID No.: **WA14830884**

DOC No.: **707050**

This criminal history compiled on: **August 22, 2002**

- |   |
|---|
| <input type="checkbox"/> None known. Recommendations and standard range assumes no prior felony convictions.              |
| <input type="checkbox"/> Criminal history not known and not received at this time. WASIS/NCIC last received on 08/22/2002 |

**Adult Felonies**

Offense	Score	Disposition
97-1-05739-2 04/23/1997 vucsa - pwi cocaine		WA King Superior Court - Guilty 12/19/1997 serve 77m doc conc w/97-1-00617-8sea.
97-1-00617-8 10/07/1994 vucsa - possess cocaine		WA King Superior Court - Guilty 09/05/1997 16m doc. 03 15 02 ord mod sent. 14d jail.
94-1-07524-8 06/30/1994 vucsa - possess cocaine		WA King Superior Court - Guilty 03/17/1995 p/guilty. serve 13m doc. pay kc drug fund \$100.00. pay state crime lab fee \$100.00. pay costs. pay cv/pen asst \$100.00.
93-1-04407-7 08/14/1993 attpmt to elude pursuing poli		WA King Superior Court - Guilty 11/19/1993 p/guilty. serve 6m kc jail conc w/93-1-04345-3. 12m comm supv. pay costs. pay cv/pen asst \$100.00.
93-1-04345-3 03/10/1993 vucsa - possess cocaine		WA King Superior Court - Guilty 11/19/1993 p/guilty. serve 6m kc jail conc w/93-1-04407-7. 12m comm supv. pay kc drug fund \$200.00. pay cv/pen asst \$100.00.
93-1-01608-1 03/02/1993 vucsa - pwi cocaine		WA King Superior Court - Guilty 04/27/1993 p/guilty. serve 3m kc jail. 12m comm supv. pay costs. pay cv/pen asst \$100. 05 10 93 ord mod sent. serve 7d kc jail.

**Adult Misdemeanors**

Offense	Score	Disposition
01-1-10608-9 11/09/2001 attempted vucsa		WA King Superior Court - Guilty 05/31/2002 sntcd 12m jail suspd. serve 4m jail. 12m prob.
312432 SP 06/26/1997 obstruction		WA Seattle Municipal Court - Guilty
297799 SP 12/05/1996 susp.ol.2nd		WA Seattle Municipal Court - Guilty
297728 SP 12/03/1996 susp.ol 1st		WA Seattle Municipal Court - Guilty
263413 SP 01/15/1996 obstruction		WA Seattle Municipal Court - Guilty
N00058575 FP 08/26/1994 no valid drivers license		WA Federal Way Div King Co District Ct - Guilty
203794 SP 06/30/1994 susp.ol.3rd		WA Seattle Municipal Court - Guilty

**APPENDIX B TO PLEA AGREEMENT  
PROSECUTOR'S UNDERSTANDING OF DEFENDANT'S CRIMINAL HISTORY  
(SENTENCING REFORM ACT)**

Defendant: ANTHONY L BRADLEY

FBI No.: 57122TA8

State ID No.: WA14830884

DOC No.: 707050

**Adult Misdemeanors**

Offense	Score	Disposition
179685 SP 12/11/1993 susp.ol.2nd		WA Seattle Municipal Court - Guilty
M00009882 FP 12/02/1993 failure to deliver leased pro		WA Federal Way Div King Co District Ct - Guilty
7603531 WS 10/19/1993 no valid drivers license/expi		WA Southwest Div King Co Dist Ct - Guilty
178221 SP 10/09/1993 h/r attended		WA Seattle Municipal Court - Guilty
178221 SP 10/09/1993 neg. driving		WA Seattle Municipal Court - Guilty
178221 SP 10/09/1993 susp.ol.2nd		WA Seattle Municipal Court - Guilty
M00006011 KC 09/10/1993 dwls/r - 2nd degree		WA Seattle District Court - Guilty

**Juvenile Felonies**

Offense	Score	Disposition
918034941 06/08/91 vucsa - pwi		WA King Superior Court - Guilty 07/10/1991 80 weeks
908001794 12/27/89 vucsa - possess		WA King Superior Court - Guilty 02/15/1990 13 weeks
898025525 05/13/89 vucsa - delivery		WA King Superior Court - Guilty 07/18/1989 12 months comm sup; 56 hours comm svc; 15 days detention
898024405 02/24/89 vucsa - possess		WA King Superior Court - Guilty 07/18/1989 3 months comm sup; 16 hours comm svc; 2 days detention
898007551 11/11/88 vucsa - delivery		WA King Superior Court - Guilty 04/17/1989 6 months comm sup; 40 hours comm svc; 10 days detention

**Juvenile Misdemeanors**

Offense	Score	Disposition
918042952 03/08/91 obstruction		WA King Superior Court - Guilty 09/10/1991
918024130 02/08/91 vucsa poss mjt lt 40g		WA King Superior Court - Guilty 07/22/1991
918024130 02/08/91 criminal trespass 2		WA King Superior Court - Guilty 07/22/1991

**Comments**

STATE'S SENTENCE RECOMMENDATION  
(NON-SEX OFFENSE ; COMMITTED on or after 7/1/2000; SENTENCE OVER ONE YEAR)

Date of Crime : 8/16/02

Date: 8/26/02

Defendant: Anthony Brown

Cause No.: 02-C-09413-4 SEA/KNT

State recommends that the defendant be sentenced to a term of total confinement in the Department of Corrections as follows:

Count I 87 months (AAA) Count IV \_\_\_\_\_ months  
Count II \_\_\_\_\_ months Count V \_\_\_\_\_ months  
Count III \_\_\_\_\_ months Count VI \_\_\_\_\_ months

Terms on each count to run concurrently/consecutively with each other.

Terms to be served concurrently/consecutively with: 02-C-09413-4 SEA

Terms to be consecutive to any other term(s) not specifically referred to in this form.

☐ **WEAPONS ENHANCEMENT - RCW 9.94A.310:** The above recommended term(s) of confinement include the following weapons enhancement time: \_\_\_\_\_ months for Ct. \_\_\_\_\_, \_\_\_\_\_ months for Ct. \_\_\_\_\_, \_\_\_\_\_ months for Ct. \_\_\_\_\_; which is/are mandatory, served without good time and served consecutive to any other term of confinement. The total of all recommended terms of confinement in this cause is: \_\_\_\_\_ months.

☐ **WORK ETHIC CAMP - RCW 9.94A.137:** Defendant is legally eligible (range is not less than 12 months and 1 day; not more than 36 months; current offense is not VUCSA or VUCSA solicitation for crimes after 7/25/99; no current or prior violent or sex offense). Work Ethic Camp is/is not recommended. If not, why not: \_\_\_\_\_

☐ **DRUG OFFENDER SENTENCE ALTERNATIVE - RCW 9.94A.120(6)(a)** Legal Eligibility: 1) no current or prior violent offenses, sex offenses; 2) no weapon enhancement; 3) if VUCSA "small quantity" of drugs, 4) not deportable. (If DOSA is recommended, use DOSA Recommendation form instead of this form.) Defendant is not eligible for DOSA because: Answer

☐ **EXCEPTIONAL SENTENCE: RCW 9.94A.120(2); RCW 9.94(a).390.** This is an exceptional sentence, and the substantial and compelling reasons for departing from the presumptive sentence range are set forth on the attached form.

☐ **NO CONTACT:** For the maximum term, defendant have no contact with \_\_\_\_\_

**MONETARY PAYMENTS:** Defendant make the following monetary payments under the supervision of the Department of Corrections for up to 10 years pursuant to RCW 9.94A.120(12) and RCW 9.94A.145.

☐ Restitution as set forth in the "Plea Agreement" page and ☐ Appendix C.

X Court costs; mandatory \$500 Victim Penalty Assessment, recoupment of cost for appointed counsel.

X King County Local Drug Fund \$ 18.00; ☐ \$100 lab fee RCW 43.43.690.

☐ \$1,000, fine for VUCSA; ☒ \$2,000, fine for subsequent VUCSA. ☐ Fine of \$ \_\_\_\_\_;

X Costs of incarceration in K.C. Jail at \$50 per day. RCW 9.94A.145(2); ☐ Extradition costs of \$ \_\_\_\_\_;

☐ Emergency Response Costs, \_\_\_\_\_, RCW 38.52.430; ☐ Other \_\_\_\_\_

**COMMUNITY CUSTODY (RCW 9.94A.120(11):** Offenders sentenced to the custody of the Department of Corrections for certain offenses shall serve a term of community custody for the applicable period set forth below, the period of earned early release, or whichever is longer.

<input type="checkbox"/> Sex Offense	36 - 48 months	<input type="checkbox"/> Crimes Against Persons	9 - 18 months	Check box for largest applicable range
<input type="checkbox"/> Serious Violent Offense	24 - 48 months	<input checked="" type="checkbox"/> Violation of Ch. 69.50 or .52	9 - 12 months	
<input type="checkbox"/> Violent Offense	18 --36 months			

Discretionary conditions recommended by the state: \_\_\_\_\_

**MANDATORY CONSEQUENCES:** HIV blood testing (RCW 70.24.340) for any sex offense, prostitution related offense, or drug offense associated with needle use. DNA testing (RCW 43.43.754) for any sex offense or violent offense as defined in RCW 9.94A.030. Driver's License Revocation (RCW 46.20.285; RCW 69.50.420). Revocation of right to possess a Firearm (RCW 9.41.040).

Approved by: \_\_\_\_\_

Deputy Prosecuting Attorney WSBA No. \_\_\_\_\_

2132

## APPENDIX E



**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION ONE**

In the Matter of the Personal  
Restraint of:

ANTHONY L. BRADLEY,

\_\_\_\_\_  
Petitioner.

No. 53154-9-I

ORDER LIFTING STAYS  
AND DISMISSING PERSONAL  
RESTRAINT PETITIONS

In the Matter of the Personal  
Restraint of:

RODNEY ROMMEL OLIVER,

\_\_\_\_\_  
Petitioner.

No. 52353-8-I

In these two personal restraint petitions, the petitioners have challenged the calculation of their offender scores. The petitioners contend that the trial court improperly included previously "washed out" convictions when determining their criminal histories and offender scores based on the 2002 amendments to RCW 9.94A.525 and RCW 9.94A.030 of the Sentencing Reform Act of 1981 (SRA). Petitioners rely on State v. Smith, 144 Wn.2d 665, 30 P.2d 1245 (2001), and State v. Cruz, 139 Wn.2d 86, 985 P.2d 384 (1999), to support their argument. Consideration of the petitions was stayed pending final resolution of State v. Varga, \_\_\_ Wn.2d \_\_\_, 86 P.3d 139 (2004). Because the Supreme Court has since decided that case, the stays should now be lifted.

Petitioners contend that sentencing courts cannot be required to include their previously "washed out" prior convictions when calculating offender scores for crimes committed on or after the effective date of the 2002 SRA amendments. They are mistaken.

The Washington Supreme Court recently considered virtually the same argument in Varga. There, the Court held that "[t]he [L]egislature may prospectively amend the SRA to require that courts include previously 'washed out' convictions when calculating offender scores and has done so by the plain language of the 2002 SRA amendments" and that

No. 53154-9-1/2  
No. 52353-8-1/2

those amendments do not act retroactively to alter the underlying legal consequences of the previously "washed out" convictions.

Here, as in Varga, the petitioners all committed their crimes after June 13, 2002, the 2002 amendments' effective date. Given the plain language in the 2002 SRA amendments and the unambiguous holding in Varga, petitioners have failed to establish that their offender scores were miscalculated.

Now, therefore, it is hereby

ORDERED that the stays previously imposed are lifted. It is further

ORDERED that the personal restraint petitions listed above are all dismissed under RAP 16.11(b).

Done this 19<sup>th</sup> day of May, 2004.

  
Acting Chief Judge

FILED  
COURT OF APPEALS DIV. #1  
STATE OF WASH.  
2004 MAY 18 AM 10:59

CERTIFICATION OF SERVICE

Today I deposited in the mails of the United States of America, a properly stamped and addressed envelope directed to Anthony Bradley, at the following address: DOC# 707050, Larch Correction Center, 15314 NE Dole Valley Road, Yacolt, WA 98675, the petitioner, containing a copy of the State's Supplemental Response to Personal Restraint Petition in In re Bradley, No. 60520-8-I, in the Court of Appeals of the State of Washington.

I certify under penalty of perjury of the laws of the state of Washington that the foregoing is true and correct.

Name

Done in Seattle, Washington

Date

11-08-2007

FILED  
COURT OF APPEALS DIV. #1  
STATE OF WASHINGTON  
2007 NOV -8 PM 4:48

**COPY**

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION I

RECEIVED  
COURT OF APPEALS  
DIVISION ONE  
NOV 8 2007

In re Personal Restraint  
Petition of

No. 60520-8-I

ANTHONY BRADLEY,  
Petitioner.

STATE'S RESPONSE TO  
PERSONAL RESTRAINT  
PETITION

A. AUTHORITY FOR RESTRAINT OF PETITIONER.

Anthony Bradley is restrained pursuant to judgment and sentence in King County Superior Court No. 02-C-04718-8 SEA and 02-1-07413-4 SEA. Appendix A and C.

B. ISSUES PRESENTED.

Whether this petition should be granted in part and dismissed in part where his judgment and sentence in Cause No. 02-C-04718-8 SEA is incorrect and where the judgment and sentence in Cause No. 02-1-07413-4 SEA is correct.

STATE'S RESPONSE TO  
PERSONAL RESTRAINT PETITION

C. STATEMENT OF THE CASE.

Cause No. 02-C-04718-8 SEA.

Anthony Bradley pled guilty to the crime of possession of cocaine on September 26, 2002. Appendix B. The crime occurred on May 31, 2002. Appendix B. Pursuant to the plea agreement, Bradley agreed to the prosecutor's statement of his criminal history, and that his standard range was 33-43 months based on an offender score of eight. Appendix B. Bradley received a Drug Offender Sentencing Alternative (DOSA) consisting of 19 months of confinement and 19 months of community custody to be served concurrently with Cause No. 02-1-07413-4 SEA. Appendix A. The judgment and sentence was filed with the clerk of the trial court on October 17, 2002. Appendix A. Bradley did not appeal.

Cause No. 02-1-07413-4 SEA.

Bradley pled guilty to the crime of possession of cocaine with intent to deliver on September 26, 2002. Appendix D. The crime occurred on August 16, 2002. Appendix C. Pursuant to the plea agreement, Bradley agreed to the prosecutor's statement of his criminal history, and that his standard range was 87-116 months based on an offender score of nine. Appendix D. Bradley received a Drug Offender Sentencing Alternative (DOSA) consisting of 50.75

months of confinement and 50.75 months of community custody to be served concurrently with Cause No. 02-C-04718-8 SEA.

Appendix A. The judgment and sentence was filed with the clerk of the trial court on October 17, 2002. Appendix A. Bradley did not appeal. A prior personal restraint petition, No. 53154-9-I, challenging the calculation of his offender score was dismissed on May 18, 2004. Appendix E.

D. ARGUMENT.

1. IN CAUSE NO. 02-C-04718-8 SEA BRADLEY WAS SENTENCED WITH AN INCORRECT OFFENDER SCORE AND STANDARD RANGE.

Bradley contends that his sentence is invalid because his offender score was incorrectly calculated. He appears to be correct.

An appellate court will grant substantive review of a personal restraint petition only when the petitioner makes a threshold showing of constitutional error from which he has suffered actual prejudice or nonconstitutional error which constitutes a fundamental defect that inherently resulted in a complete miscarriage of justice.

In re Cook, 114 Wn. 2d 802, 813, 792 P.2d 506 (1990). A miscalculated offender score constitutes a fundamental defect that

inherently results in a complete miscarriage of justice. In re Johnson, 131 Wn.2d 558, 933 P.2d 1019 (1997). However, the petitioner bears the burden of showing that his offender score was incorrect. In re Connick, 144 Wn.2d 442, 28 P.3d 729 (2001).

No petition collaterally attacking a judgment and sentence may be filed more than one year after the judgment becomes final, if the judgment and sentence is valid on its face and was rendered by a court of competent jurisdiction. RCW 10.73.090(1); see In re Runyan, 121 Wn.2d 432, 444, 449, 853 P.2d 424 (1993). A judgment becomes final on the date that it is filed with the clerk of the trial court if no appeal is filed. RCW 10.73.090(3).

The judgment in this case became final on October 17, 2002, when it was filed with the clerk of the trial court. Appendix A and C. This petition was filed more than four years later.

However, the one-year time limit only applies if the judgment and sentence is "valid on its face." RCW 10.73.090(1). A judgment is valid on its face unless the judgment evidences an error without further elaboration. In re Thompson, 141 Wn.2d 712, 10 P.3d 380 (2000). Facial invalidity has been interpreted to include those documents signed as part of a plea agreement as well as the judgment and sentence itself. State v. Robinson, 104 Wn. App.

657, 17 P.3d 653 (2001). The documents of the plea can inform the inquiry as to whether the judgment and sentence is invalid on its face. State v. Hemenway, 147 Wn.2d 529, 55 P.3d 615 (2002).

In State v. Smith, 144 Wn.2d 665, 30 P.2d 1245 (2001), the supreme court held that juvenile adjudications that "washed out" prior to the 1997 amendment of RCW 9.94A.360 cannot be revived for purposes of calculating a defendant's offender score. Prior to 1997, juvenile adjudications for offenses not classified as sex offenses or serious violent offenses were not counted if the offender was less than 15 years old at the time the offense was committed. In addition, class B and C felonies that occurred when the defendant was 15 years or older "washed out" when the defendant reached the age of 23. Former RCW 9.94A.360(4).

In 1997, RCW 9.94A.360 was amended to provide that juvenile adjudications are counted in the offender score in the same manner and subject to the same wash-out rules as adult convictions. Nonetheless, the supreme court held that the 1997 amendments did not "revive" previously "washed out" juvenile adjudications. Smith, 144 Wn.2d at 670-71. The court's holding was predicated on its view that neither the 1997 amendment, or an



additional 2000 amendment, were intended to be applied "retroactively." Smith, 144 Wn.2d at 665.

In 2002, the legislature enacted RCW 9.94A.525, which again applied the same "wash-out" principles to both adult conviction and juvenile adjudications. RCW 9.94A.525(2). However, unlike the previous amendments, the supreme court held that the 2002 amendments allow for the inclusion of juvenile offenses in the offender score for crimes committed after June 13, 2002. State v. Varga, 151 Wn.2d 179, 86 P.3d 139 (2004).

Because Bradley's crime occurred on May 31, 2002, the reasoning of Smith applies. Thus, all of Bradley's juvenile offenses "washed out" for purposes of this conviction on his 23<sup>rd</sup> birthday, on September 16, 1997. Only his prior adult convictions should have been included in his offender score.

The crime of possession of cocaine is not a "drug offense" as defined by RCW 9.94.030(20). As such, RCW 9.94A.525(7) applies and provides that all adult prior felony convictions count one point. Additionally, pursuant to RCW 9.94A.525(1) and RCW 9.94A.589(1)(a) convictions entered or sentenced on the same date are included in the offender score as current offenses. Thus, Bradley's offender score should have been calculated as follows:

Other current offense:  
2002 Possession with intent = 1 point

Prior convictions:  
1992 Delivery of Cocaine = 1 point  
1993 Possession of Cocaine = 1 point  
1993 Attempting to Elude = 1 point  
1994 Possession of Cocaine = 1 point  
1994 Possession of Cocaine = 1 point  
1997 Delivery of Cocaine = 1 point  
Total points = 7 points

Bradley should have been sentenced with an offender score of seven, rather than eight. He should have been advised that his offender score was 22 to 29 months rather than 33 to 43 months.

2. IN CAUSE NO. 02-1-07413-4 SEA BRADLEY WAS SENTENCED WITH A CORRECT OFFENDER SCORE AND STANDARD RANGE.

Bradley also contends that his offender score in Cause No. 02-1-07413-4 SEA was incorrectly calculated. He is mistaken.

The crime at issue in this cause number was committed on August 16, 2002, after the 2002 amendment to the scoring rules went into effect. Thus, Bradley's juvenile adjudications were properly included in his offender score.

The crime of possession with intent to deliver cocaine is a drug offense as defined by RCW 9.94A.030(20). RCW 9.94A.525(7) governs calculation of Bradley's offender score

because he has no prior convictions for sex or serious violent offenses. RCW 9.94A.525(12). RCW 9.94A.525(7) provides that all adult prior felony convictions count one point, prior juvenile violent adjudications count one point, and prior juvenile non-violent adjudications count one-half point. Thus, Bradley's offender score is as follows:

Other current offense:

2002 Possession of Cocaine	=	1 point
----------------------------	---	---------

Prior adult convictions:

1992 Delivery of Cocaine	=	1 point
1993 Possession of Cocaine	=	1 point
1993 Attempting to Elude	=	1 point
1994 Possession of Cocaine	=	1 point
1994 Possession of Cocaine	=	1 point
1997 Delivery of Cocaine	=	1 point

Prior juvenile adjudications:

1988 Delivery	=	½ point
1989 Possession	=	½ point
1989 Deliver	=	½ point
1989 Possession	=	½ point
1991 Possession With Intent	=	½ point

Total points = 9 ½ points

Rounded down to the nearest whole number as provided by RCW 9.94A.525, Bradley's offender score was properly calculated to be nine, and his standard range was properly calculated to be 87 to 116 months. The judgment and sentence in Cause No. 02-1-

07413-4 SEA is valid on its face, and Bradley's challenge to that judgment should be dismissed as untimely.

It should also be dismissed as successive. RCW 10.73.140 bars the Court of Appeals from considering a collateral attack when the petitioner has previously filed a personal restraint petition unless the petitioner shows good cause why the ground currently asserted was not raised earlier. This statutory bar includes all collateral attacks, including habeas corpus petitions. In re Becker, 143 Wn.2d 491, 496, 20 P.3d 409 (2001). Moreover, RAP 16.4(d) provides, in part, that "[n]o more than one petition for similar relief on behalf of the same petitioner will be entertained without good cause shown." This prohibition applies to both this Court and the supreme court. In In re Haverty, 101 Wn.2d 498, 503, 681 P.2d 835 (1984), the supreme court held that the phrase "similar relief" used in RAP 16.4 means a renewal of "grounds previously heard and determined." Bradley already challenged the calculation of his offender score in a previous personal restraint petition.

Appendix E. Consideration of this petition is barred by RCW 10.73.140 and RAP 16.4(d).

3. BRADLEY HAS FAILED TO ESTABLISH THAT  
WITHDRAWAL OF HIS PLEAS IS NECESSARY TO  
CORRECT A MANIFEST INJUSTICE.

Bradley contends that due to the error in the offender score in Cause No. 02-C-04718-8 SEA he should be allowed to withdraw his pleas. However, because he was not prejudiced by this error, withdrawal of the pleas should not be allowed.

The constitution requires that a plea of guilty be voluntary. State v. Barton, 93 Wn.2d 301, 304, 609 P.2d 1353 (1980). CrR 4.2 provides additional safeguards. Barton, 93 Wn.2d at 304. That rule requires that a defendant be informed of all direct consequences of the plea. Id. at 305. A direct consequence of a plea is a consequence that "represents a definite, immediate and largely automatic effect on the range of the defendant's punishment." State v. Mendoza, 157 Wn.2d 582, 588, 141 P.3d 49 (2006) (quoting Barton, 93 Wn.2d at 305).

CrR 4.2(f) provides that courts should allow a defendant to withdraw a guilty plea when withdrawal is necessary to correct a manifest injustice. Barton, 93 Wn.2d at 306. The failure to advise a defendant of the direct consequences of the plea constitutes a manifest injustice. Id. Thus, generally speaking, a defendant may move to withdraw his plea of guilty if he is misadvised as to the

standard range regardless of whether the correct range is higher or lower than anticipated. Mendoza, 157 Wn.2d at 591. However, in the unique circumstances presented here, the standard range as to possession of cocaine was not a direct consequence of Bradley's plea.

The pleas to possession and possession with intent to deliver were entered on the same date and the two cases were sentenced on the same date. The parties agreed that the time served on both cause numbers would be served concurrently, as mandated by RCW 9.94A.589(1).<sup>1</sup> Because Bradley's sentence on the possession charge was to be served concurrently with his sentence on the possession with intent charge, for which the standard range was 87 to 116 months, the difference between a standard range of 22 to 29 months or 33 to 43 months did not have a definite, immediate or automatic effect on the range of Bradley's total punishment: he is serving 87 months total incarceration either way.

This case is analogous to State v. Oseguerra-Acevedo, 137 Wn.2d 179, 970 P.2d 299 (1999). In that case, the defendant was

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<sup>1</sup> RCW 9.94A.589(1) provides that sentences for two or more current offenses "shall be served concurrently."

not informed during the plea process that he would be required to serve one year of community placement. Id. at 185. While the supreme court had previously held that community placement was a direct consequence of a plea, a plurality of the court held that in Oseguerra-Acevedo's case, community placement was not a direct consequence of his plea because he was facing deportation immediately upon release. Id. at 198. Justice Johnson concurred in the result, but dissented from the plurality's conclusion that community placement was not a direct consequence because deportation was not a certainty. Id. at 204 (Johnson J., concurring). Justice Alexander dissented, but stated that he would have agreed with the majority if deportation was a "certainty." Id. at 207 (Alexander, J., dissenting). In contrast, in the present case, it was a certainty that Bradley would receive a concurrent sentence of at least 87 months total confinement, or a DOSA consisting of 50.75 months of confinement and 50.75 months of community custody, as to possession of cocaine with intent to deliver. Thus, his much lower standard range on the possession charge was not a consequence with a definite, immediate and automatic effect on Bradley's total punishment. It was not a direct consequence of the plea. The misadvisement as to the standard range in Cause No.

02-C-04718-8 SEA did not render the pleas involuntary. Bradley has failed to establish that withdrawal of the pleas is necessary to correct a manifest injustice.



E. CONCLUSION.


This petition should be granted in part only, and the matter remanded to correct the judgment and sentence in King County Cause No. 02-C-04718-8 so that it reflects the correct offender score, standard range and sentence. As to King County Cause No. 02-1-07413-3 SEA, the petition should be dismissed.

DATED this 8th day of November, 2007.

Respectfully Submitted,

NORM MALENG  
King County Prosecuting  
Attorney

DAN SATTERBERG  
Interim King County Prosecuting  
Attorney

by   
ANN SUMMERS, #21509  
Senior Deputy Prosecuting  
Attorney  
Attorneys for Respondent  
Office ID #91002

W554 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104  
(206) 296-9650

## APPENDIX A

PRESENTING STATEMENT & INFORMATION ATTACHED  
OCT 17 2002  
COMMITMENT ISSUED  
VUCSA OVER 21

FILED

02 OCT 17 AM 10:00

KING COUNTY  
SUPERIOR COURT CLERK  
SEATTLE, WA.

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

Vs.

Anthony bradley

Defendant,

No. 02 C047188SEA

JUDGMENT AND SENTENCE  
FELONY

I. HEARING

I.1 The defendant, the defendant's lawyer, Julie A. Garford, and the deputy prosecuting attorney were present at the sentencing hearing conducted today. Others present were: F. Chavez

II. FINDINGS

There being no reason why judgment should not be pronounced, the court finds:

2.1 CURRENT OFFENSE(S): The defendant was found guilty on Sept 26 02 by plea of:

Count No.: I Crime: VUCSA - poss. Cocaine  
RCW 69.50.401(a)(1) Crime Code: \_\_\_\_\_  
Date of Crime: may 14 2002 Incident No. 02-368236

Count No.: \_\_\_\_\_ Crime: \_\_\_\_\_  
RCW \_\_\_\_\_ Crime Code: \_\_\_\_\_  
Date of Crime: \_\_\_\_\_ Incident No. \_\_\_\_\_

Count No.: \_\_\_\_\_ Crime: \_\_\_\_\_  
RCW \_\_\_\_\_ Crime Code: \_\_\_\_\_  
Date of Crime: \_\_\_\_\_ Incident No. \_\_\_\_\_

Count No.: \_\_\_\_\_ Crime: \_\_\_\_\_  
RCW \_\_\_\_\_ Crime Code: \_\_\_\_\_  
Date of Crime: \_\_\_\_\_ Incident No. \_\_\_\_\_

[ ] Additional current offenses are attached in Appendix A

**SPECIAL VERDICT or FINDING(S):**

- (a) ☐ While armed with a firearm in count(s) \_\_\_\_\_ RCW 9.94A.310(3).  
(b) ☐ While armed with a deadly weapon other than a firearm in count(s) \_\_\_\_\_ RCW 9.94A.310(4).  
(c) ☐ With a sexual motivation in count(s) \_\_\_\_\_ RCW 9.94A.127.  
(d) ☐ A V.U.C.S.A. offense committed in a protected zone in count(s) \_\_\_\_\_ RCW 69.50.435.  
(e) ☐ Vehicular homicide ☐ Violent traffic offense ☐ DUI ☐ Reckless ☐ Disregard.  
(f) ☐ Vehicular homicide by DUI with \_\_\_\_\_ prior conviction(s) for offense(s) defined in RCW 41.61.5055, RCW 9.94A.310(7).  
(g) ☐ Non-parental kidnapping or unlawful imprisonment with a minor victim. RCW 9A.44.130.  
(h) ☐ Domestic violence offense as defined in RCW 10.99.020 for count(s) \_\_\_\_\_.  
(i) ☐ Current offenses encompassing the same criminal conduct in this cause are count(s) \_\_\_\_\_ RCW 9.94A.400(1)(a).

**2.2 OTHER CURRENT CONVICTION(S):** Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number): \_\_\_\_\_

**2.3 CRIMINAL HISTORY:** Prior convictions constituting criminal history for purposes of calculating the offender score are (RCW 9.94A.360):

- ☐ Criminal history is attached in Appendix B.  
☐ Prior convictions counted as one offense in determining the offender score (RCW 9.94A.360(5)) are: \_\_\_\_\_  
☐ One point added for offense(s) committed while under community placement for count(s) \_\_\_\_\_

**2.4 SENTENCING DATA:**

Sentencing Data	Offender Score	Seriousness Level	Standard Range	Enhancement	Total Standard Range	Maximum Term
Count	8	II	33-43 mo		33-43 mo	5yr, \$10,000
Count						
Count						
Count						

- ☐ Additional current offense sentencing data is attached in Appendix C.

**2.5 EXCEPTIONAL SENTENCE:**

- ☐ Substantial and compelling reasons exist which justify a sentence above/below the standard range for Count(s) \_\_\_\_\_. Findings of Fact and Conclusions of Law are attached in Appendix D. The State ☐ did ☐ did not recommend a similar sentence.

**III. JUDGMENT**

IT IS ADJUDGED that defendant is guilty of the current offenses set forth in Section 2.1 above and Appendix A.

- ☐ The Court DISMISSES Count(s) \_\_\_\_\_

#### IV. ORDER

IT IS ORDERED that the defendant serve the determinate sentence and abide by the other terms set forth below.

##### 4.1 RESTITUTION AND VICTIM ASSESSMENT:

- ☐ Defendant shall pay restitution to the Clerk of this Court as set forth in attached Appendix E.  
☐ Defendant shall not pay restitution because the Court finds that extraordinary circumstances exist, and the court, pursuant to RCW 9.94A.142(2), sets forth those circumstances in attached Appendix E.  
☐ Restitution to be determined at future restitution hearing on (Date) \_\_\_\_\_ at \_\_\_\_\_ m.  
☐ Date to be set.  
☐ Defendant waives presence at future restitution hearing(s).  
☒ Restitution is not ordered.

Defendant shall pay Victim Penalty Assessment pursuant to RCW 7.68.035 in the amount of \$500.

##### 4.2 OTHER FINANCIAL OBLIGATIONS: Having considered the defendant's present and likely future financial resources, the Court concludes that the defendant has the present or likely future ability to pay the financial obligations imposed. The Court waives financial obligation(s) that are checked below because the defendant lacks the present and future ability to pay them. Defendant shall pay the following to the Clerk of this Court:

- (a) ☐ \$ 0, Court costs; ☐ Court costs are waived; (RCW 9.94A.030, 10.01.160)  
(b) ☐ \$ 0, Recoupment for attorney's fees to King County Public Defense Programs;  
☐ Recoupment is waived (RCW 9.94A.030);  
(c) ☐ \$ 0, Fine; ☐ \$1,000, Fine for VUCSA; ☐ \$2,000, Fine for subsequent VUCSA;  
☐ VUCSA fine waived (RCW 69.50.430);  
(d) ☐ \$ 0, King County Interlocal Drug Fund; ☐ Drug Fund payment is waived;  
(RCW 9.94A.030)  
(e) ☐ \$ 0, State Crime Laboratory Fee; ☐ Laboratory fee waived (RCW 43.43.690);  
(f) ☐ \$ 0, Incarceration costs; ☐ Incarceration costs waived (RCW 9.94A.145(2));  
(g) ☐ \$ 0, Other costs for: \_\_\_\_\_

##### 4.3 PAYMENT SCHEDULE: Defendant's TOTAL FINANCIAL OBLIGATION is: \$ 560. The payments shall be made to the King County Superior Court Clerk according to the rules of the Clerk and the following terms: ☐ Not less than \$ \_\_\_\_\_ per month; ☐ On a schedule established by the defendant's Community Corrections Officer. Financial obligations shall bear interest pursuant to RCW 10.82.090. The Defendant shall remain under the Court's jurisdiction and the supervision of the Department of Corrections for up to ten years from the date of sentence or release from confinement to assure payment of financial obligations.

trust fees + interest waived

4.4 1999 EXPANDED SPECIAL DRUG OFFENDER SENTENCING ALTERNATIVE (D.O.S.A.) :

The Court finds the defendant eligible pursuant to RCW 9.94A.120(6)(a), as amended by CH 197, 1999 LAWS, eff. 7-25-99; [recodified RCW 9.94A.660 eff. 7-1-01] that the defendant and the community will benefit from use of D.O.S.A.; waives imposition of sentence within the standard range and sentences the defendant as follows:

- (a) **TOTAL CONFINEMENT**, RCW 9.94A.120(6)(b): The defendant is sentenced to the following term(s) of commitment in the custody of the DEPT. OF CORRECTIONS to commence ☐ immediately ☐ not later than \_\_\_\_\_ at \_\_\_\_\_ P.M.

19 months on Count No. \_\_\_\_\_; \_\_\_\_\_ months on Count No. \_\_\_\_\_  
\_\_\_\_\_ months on Count No. \_\_\_\_\_; \_\_\_\_\_ months on Count No. \_\_\_\_\_  
\_\_\_\_\_ months on Count No. \_\_\_\_\_; \_\_\_\_\_ months on Count No. \_\_\_\_\_

- (b) The above term(s) of confinement represent one half of the midpoint of the standard range.

- (c) The terms imposed herein shall be served concurrently.

The term(s) imposed herein shall run concurrent/consecutive with cause No(s) 021074134SEA

The term(s) imposed herein shall run consecutively to any previously imposed commitment not referred to in this judgment.

- (d) The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause. RCW 9.94A.120(17). The time shall be compiled by the JAIL unless specifically set by the court as follows: \_\_\_\_\_

- (e) While incarcerated in the Department of Corrections the defendant shall undergo a comprehensive substance abuse assessment and receive, within available resources, appropriate treatment services.

4.5 **COMMUNITY CUSTODY:** The court further imposes 19 months, the remainder(s) of the midpoint(s) of the standard range(s), as a term of community custody during which time the defendant shall comply with the instructions, rules and regulations promulgated by the Department for conduct of the defendant during community custody; shall perform affirmative acts necessary to monitor compliance, shall obey all laws and comply with the following mandatory statutory requirements:

- (1) The defendant shall not own, use or possess any firearm or ammunition. RCW 9.94A.120(16).
- (2) The defendant shall not use illegal controlled substances and shall submit to urinalysis or other testing to monitor compliance. RCW 9.94A.120.(6)(b)(ii), and (iii)
- (3) The defendant shall complete appropriate substance abuse treatment in a program approved by D.S.H.S., Division of Alcohol and Substance Abuse. RCW 9.94A.120(6)(b)(i)

The court further imposes the following non-mandatory conditions of Community Custody (if checked):

- (4) ☒ The defendant shall not use any alcohol or controlled substances without prescription and shall undergo testing to monitor compliance.
- (5) ☐ Devote time to a specific employment or training.
- (6) ☐ Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment.
- (7) ☒ Report as directed to a community corrections officer.
- (8) ☒ Pay all court ordered legal financial obligations.
- (9) ☐ Perform community service work.

(10) ☐ Stay out of designated areas as follows: \_\_\_\_\_

(11) ☐ Other conditions as set forth in Appendix F

- 4.6 **NON-COMPLIANCE RCW 9.94A.120(6)(c)(e):** If the defendant fails to complete the Department's special drug offender sentencing alternative program or is administratively terminated from the program, he/she shall be reclassified by the Department to serve the balance of the unexpired term of sentence. If the defendant fails to comply with the conditions of supervision as defined by the Department, he/she shall be sanctioned. Sanctions may include reclassification by the Department to serve the balance of the unexpired term of sentence.

For offenses committed after 7-1-2000 the court further imposes the following additional terms of Community Custody upon failure to complete or administrative termination from D.O.S.A. program: the entire period of earned early release or for any "crime against person" in section 2.1 herein 9 - 18 months; for any violation of 69.50/52 in section 2.1 herein 9 - 12 months whichever is longer. The defendant in this event shall comply with the conditions of Community Custody set forth in section 4.5 herein.

- 4.7 ☐ **BLOOD TESTING** (Prostitution offense or drug offense associated with the use of hypodermic needles): Appendix G, covering blood testing and counseling, is attached and incorporated by reference into this Judgment and Sentence.
- 4.8 ☐ **OFF-LIMITS ORDER:** The defendant, having been found to be a known drug trafficker, shall neither enter nor remain in the protected against drug trafficking area(s) as described in Appendix I during the term of community supervision. Appendix I is attached and incorporated by reference into this Judgment and Sentence.
- 4.9 ☐ **NO CONTACT:** For the maximum term of \_\_\_\_\_ years, defendant shall have no contact with \_\_\_\_\_

Date: \_\_\_\_\_

10.16.02

JUDGE

Print Name: \_\_\_\_\_

*Kenneth C. Constock*

*Pro Tem*

Presented by:

*J. Miller*

Deputy Prosecuting Attorney. WSBA# 31600

Print Name: Jeno Miller

Approved as to form:

*John A. [Signature]*

Attorney for Defendant

Print Name: John A. [Signature]

WSBA # 20296

FINGERPRINTS

BEST AVAILABLE IMAGE POSSIBLE



RIGHT HAND  
FINGERPRINTS OF:

DEFENDANT'S SIGNATURE: *Anthony Brady*  
DEFENDANT'S ADDRESS \_\_\_\_\_

DATED: 10/18/02  
*Hemeth Comstock*  
JUDGE, KING COUNTY SUPERIOR COURT

ATTESTED BY:  
PAUL L. SHERFEX, SUPERIOR COURT CLERK  
BY: *Mike M. [unclear]*  
DEPUTY CLERK

CERTIFICATE

OFFENDER IDENTIFICATION

I, \_\_\_\_\_,  
CLERK OF THIS COURT, CERTIFY THAT  
THE ABOVE IS A TRUE COPY OF THE  
JUDGMENT AND SENTENCE IN THIS  
ACTION ON RECORD IN MY OFFICE.  
DATED: \_\_\_\_\_

S.I.D. NO.  
DATE OF BIRTH:  
SEX:  
RACE:

CLERK

BY: \_\_\_\_\_  
DEPUTY CLERK



SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

Anthony Bradley

Defendant.

NO. 02647188 SEA

JUDGMENT AND SENTENCE  
(FELONY) — APPENDIX F,  
ADDITIONAL CONDITIONS  
OF SENTENCE

Additional conditions of sentence are:

Defendant must follow all rules of  
DOSA + treatment reqs.

Date:

October 16, 2002

Judge, King County Superior Court

## APPENDIX B

FILED  
02 SEP 27 PM 2:48  
KING COUNTY  
SUPERIOR COURT CLERK  
SEATTLE, WA.

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

ORIGINAL

STATE OF WASHINGTON,

Plaintiff,

No. 02 C 04718 & 50A

Vs.

ANTHONY L. BRADLEY

Defendant,

STATEMENT OF DEFENDANT ON  
PLEA OF GUILTY (Felony)

1. My true name is ANTHONY L. BRADLEY

2. My age is 28 Date of Birth 9/16/74

3. I went through the 12<sup>th</sup> grade and 1 year Hastings  
Community College

4. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT:

(a) I have the right to representation by a lawyer and that if I cannot afford to pay for a  
lawyer, one will be provided at no expense to me. My lawyer's name is Julia A. Gaiward

(b) I am charged with the crime(s) of POSSESSION OF COCAINE

The elements of this crime(s) are IN KING CO WA ON 5/31/02 I

KNOWINGLY AND UNLAWFULLY POSSESSED COCAINE, A

CONTROLLED SUBSTANCE, A SCHEDULE

FORM REV 7/12/00



1 5. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT I HAVE THE  
2 FOLLOWING IMPORTANT RIGHTS, AND I GIVE THEM ALL UP BY  
PLEADING GUILTY:

3 (a) The right to a speedy and public trial by an impartial jury in the county where the crime  
4 is alleged to have been committed;

5 (b) The right to remain silent before and during trial, and the right to refuse to testify against  
6 myself;

7 (c) The right at trial to testify and to hear and question the witnesses who testify against me;

8 (d) The right at trial to have witnesses testify for me. These witnesses can be made to  
9 appear at no expense to me;

10 (e) The right to be presumed innocent until the charge is proven beyond a reasonable doubt  
11 or I enter a plea of guilty;

12 (f) The right to appeal a determination of guilt after a trial.

13 6. IN CONSIDERING THE CONSEQUENCES OF MY GUILTY PLEA(S), I  
14 UNDERSTAND THAT:

15 (a) The crime(s) with which I am charged carries a sentence(s) of:

Count No.	Standard Range	Enhancement That Will Be Added to Standard Range	Maximum Term and Fine
16			
17	33-43 months	NONE	5 years \$10,000.00
18			_____ years \$
19			_____ years \$

20  
21 RCW 9.94A.030(23), (27), provide that for a third conviction for a "most serious offense" as  
22 defined in that statute or for a second conviction for a "most serious offense" which is also a "sex

FORM REV 7/12/00

STATEMENT OF DEFENDANT ON PLEA OF GUILTY  
(Felony) - 2

1 offense" as defined in that statute, I may be found a Persistent Offender. If I am found to be a  
2 Persistent Offender, the Court must impose the mandatory sentence of life imprisonment without  
3 the possibility of early release of any kind, such as parole or community custody. RCW  
4 9.94A.120(4). The law does not allow any reduction of this sentence.

5 (b) The standard sentence range is based on the crime charged and my criminal history.  
6 Criminal history includes prior convictions, whether in this state, in federal court, or elsewhere. If  
7 my current offense was prior to 7/1/97: criminal history always includes juvenile convictions for  
8 sex offenses and also for Class A felonies that were committed when I was 15 years of age or older;  
9 may include convictions in Juvenile Court for felonies or serious traffic offenses that were  
10 committed when I was 15 years of age or older; and juvenile convictions, except those for sex  
11 offenses and Class A felonies, count only if I was less than 23 years old when I committed the crime  
12 to which I am now pleading guilty. If my current offense was after 6/30/97: criminal history  
13 includes all prior adult and juvenile convictions or adjudications.

14 (c) The prosecuting attorney's statement of my criminal history is attached to this  
15 agreement. Unless I have attached a different statement, I agree that the prosecuting attorney's  
16 statement is correct and complete. If I have attached my own statement, I assert that it is correct and  
17 complete. If I am convicted of any additional crimes between now and the time I am sentenced, I  
18 am obligated to tell the sentencing judge about those convictions.

19 (d) If I am convicted of any new crimes before sentencing, or if I was on community  
20 placement at the time of the offense to which I am now pleading guilty, or if any additional criminal  
21 history is discovered, both the standard sentence range and the prosecuting attorney's  
22 recommendations may increase. Even so, my plea of guilty to this charge is binding on me. I  
FORM REV 7/12/00

STATEMENT OF DEFENDANT ON PLEA OF GUILTY  
(Felony) - 3

1 cannot change my mind if additional criminal history is discovered even though the standard  
2 sentencing range and the prosecuting attorney's recommendation increase.

3 If the current offense to which I am pleading guilty is a most serious offense as defined by  
4 RCW 9.94A.030(23),(27), and additional criminal history is discovered, not only do the conditions  
5 of the prior paragraph apply, but also if my discovered criminal history contains two prior  
6 convictions, whether in this state, in federal court, or elsewhere, of most serious offense crimes, I  
7 may be found to be a Persistent Offender. If I am found to be a Persistent Offender, the Court must  
8 impose the mandatory sentence of life imprisonment without the possibility of early release of any  
9 kind, such as parole or community custody. RCW 9.94A.120(4).

10 Even so, my plea of guilty to this charge may be binding on me. I cannot change my plea if  
11 additional criminal history is discovered, even though it will result in the mandatory sentence that  
12 the law does not allow to be reduced.

13 (e) In addition to sentencing me to confinement for the standard range, the judge will order  
14 me to pay \$500 as a victim's compensation fund assessment. If this crime resulted in injury to any  
15 person or damages to or loss of property, the judge will order me to make restitution, unless  
16 extraordinary circumstances exist which make restitution inappropriate. The judge may also order  
17 that I pay a fine, court costs, incarceration, lab and attorney fees. Furthermore, the judge may place  
18 me on community supervision, community placement or community custody, impose restrictions on  
19 my activities, rehabilitative programs, treatment requirements, or other conditions, and order me to  
20 perform community service.

21 (f) The prosecuting attorney will make the following recommendation to the judge: \_\_\_\_\_

22 43 CONCERNING TO 02-C-07413-4 SEA, DRUG FUND,  
FORM REV 7/12/00 NEW FINE \$2000, COSTS, INCARCERATION  
FEES, THAT CAN REQUEST DOSA

STATEMENT OF DEFENDANT ON PLEA OF GUILTY  
(Felony) - 4

☐ See attached Plea Agreement and State's Sentence Recommendation.

(g) The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range unless the judge finds substantial and compelling reasons not to do so. If the judge goes outside the standard range, either I or the State can appeal that sentence. If the sentence is within the standard range, no one can appeal the sentence.

(h) The crime of \_\_\_\_\_ has a mandatory minimum sentence of at least \_\_\_\_\_ years of total confinement. The law does not allow any reduction of this sentence. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge AB JS.]

The crime of \_\_\_\_\_ is a most serious offense as defined by RCW 9.94A.030(23), and if the judge determines that I have at least two prior convictions on separate occasions whether in this state, in federal court, or elsewhere, of most serious crimes, I may be found to be a Persistent Offender. If I am found to be a Persistent Offender, the Court must impose the mandatory sentence of life imprisonment without the possibility of early release of any kind, such as parole or community custody. RCW 9.94A.120(4). [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge AB JS.]

The crime of \_\_\_\_\_ is also a "most serious offense" and a "sex offense" as defined in RCW 9.94A.030(23) and (27), and if the judge determines that I have one prior conviction whether in this state, in federal court or elsewhere of a most serious sex offense as defined in that statute, I may also be found to be a Persistent Offender in which case the judge

FORM REV 7/12/00

STATEMENT OF DEFENDANT ON PLEA OF GUILTY  
(Felony) - 5

1 must impose a mandatory sentence of life without the possibility of parole. RCW 9.94A.120(4). [If  
2 not applicable, this paragraph should be stricken and initialed by the defendant and the judge AB  
3 \_\_\_\_.] BT

4 (i) The crime charged in Count \_\_\_\_ includes a firearm/deadly weapon sentence  
5 enhancement of \_\_\_\_ months.

6 This additional confinement time is mandatory and must be served consecutively to any  
7 other sentence I have already received or will receive in this or any other cause. [If not applicable,  
8 this paragraph should be stricken and initialed by the defendant and the judge AB \_\_\_\_.] BT

9 (j) The sentences imposed on counts \_\_\_\_, except for any weapons enhancement,  
10 will run concurrently unless the judge finds substantial and compelling reason to do otherwise or  
11 unless there is a special weapons finding. [If not applicable, this paragraph should be stricken and  
12 initialed by the defendant and the judge AB \_\_\_\_.] BT

13 (k) In addition to confinement, the judge will sentence me to a period of community  
14 supervision, community placement or community custody.

15 For crimes committed prior to July 1, 2000, the judge will sentence me to: (A) community  
16 supervision for a period of up to one year; or (B) to community placement or community custody  
17 for a period up to three years or up to the period of earned release awarded pursuant RCW  
18 9.94A.150(1) and (2), whichever is longer. [If not applicable, this paragraph should be stricken and  
19 initialed by the defendant and the judge AB \_\_\_\_.] BT

20 For crimes committed on or after July 1, 2000, the judge will sentence me to the community  
21 custody range which is from 9 months to 12 months or up to the period of earned  
22 release awarded pursuant to RCW 9.94A.150(1) and (2), whichever is longer, unless the judge finds  
FORM REV 7/12/00

STATEMENT OF DEFENDANT ON PLEA OF GUILTY  
(Felony) - 6



1 substantial and compelling reasons to do otherwise. During the period of community custody I will  
2 be under the supervision of the Department of Corrections, and I will have restrictions and  
3 requirements placed upon me. My failure to comply with these conditions will result in the  
4 Department of Corrections transferring me to a more restrictive confinement status or imposing  
5 other sanctions. [If not applicable, this paragraph should be stricken and initialed by the defendant  
6 and the judge \_\_\_\_\_.]

7 (l) If this offense is a sex offense committed after 6/5/96 and I am either sentenced to the  
8 custody of the Department of Corrections or if I am sentenced under the special sexual offender  
9 sentence alternative, the court will, in addition to the confinement, impose not less than 3 years of  
10 community custody which will commence upon my release from jail or prison. Failure to comply  
11 with community custody may result in my return to confinement. In addition, the court may extend  
12 the period of community custody in the interest of public safety for a period up to the maximum  
13 term which is \_\_\_\_\_. [If not applicable,  
14 this paragraph should be stricken and initialed by the defendant and the judge AK Bld]

15 (m) The judge may sentence me as a first-time offender instead of imposing a sentence  
16 within the standard range if I qualify under RCW 9.94A.030. This sentence may include as much as  
17 90 days of confinement plus all of the conditions described in paragraph (e). In addition, I may be  
18 sentenced up to two years of community supervision if the crime was committed prior to July 1,  
19 2000, or two years of community custody if the crime was committed on or after July 1, 2000. The  
20 judge also may require me to undergo treatment, to devote time to a specific occupation, and to  
21 pursue a prescribed course of study or occupational training. [If not applicable, this paragraph  
22 should be stricken and initialed by the defendant and the judge AK Bld]

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STATEMENT OF DEFENDANT ON PLEA OF GUILTY  
(Felony) - 7

1 (n) This plea of guilty will result in revocation of my privilege to drive under RCW  
2 46.20.285 (1)-(3), (5)-(7). If I have a driver's license, I must now surrender it to the judge. [If not  
3 applicable, this paragraph should be stricken and initialed by the defendant and the judge ~~AD~~ ~~BB~~]

4 (o) I understand that RCW 46.20.285(4) requires that my driver's license be revoked if the  
5 judge finds I used a motor vehicle in the commission of this felony.

6 (p) If this crime involves a sexual offense, prostitution, or a drug offense associated with  
7 hypodermic needles, I will be required to undergo testing for the human immunodeficiency (AIDS)  
8 virus. [If not applicable, this paragraph should be stricken and initialed by the defendant and the  
9 judge ~~AD~~ ~~BB~~]

10 (q) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a  
11 crime under state law is grounds for deportation, exclusion from admission to the United States, or  
12 denial of naturalization pursuant to the laws of the United States.

13 (r) If this crime involves a sex offense or a violent offense, I will be required to provide a  
14 sample of my blood for purposes of DNA identification analysis. [If not applicable, this paragraph  
15 should be stricken and initialed by the defendant and the judge ~~AD~~ ~~BB~~]

16 (s) Because this crime involves a sex offense, I will be required to register with the sheriff  
17 of the county of the state of Washington where I reside. I must register immediately upon being  
18 sentenced unless I am in custody, in which case I must register within 24 hours of my release.

19 If I leave this state following my sentencing or release from custody but later move back to  
20 Washington, I must register within 30 days after moving to this state or within 24 hours after doing  
21 so if I am under the jurisdiction of this state's Department of Corrections.

22 FORM REV 7/12/00

STATEMENT OF DEFENDANT ON PLEA OF GUILTY  
(Felony) - 8

1 If I change my residence within a county, I must send written notice of my change of  
2 residence to the sheriff at least 14 days before moving and must register again with the sheriff  
3 within 24 hours of moving. If I change my residence to a new county within this state, I must send  
4 written notice of my change of residence to the sheriff of my new county at least 14 days before  
5 moving and I must give written notice of my change of address to the sheriff of the county where I  
6 last registered within 10 days of moving. If I move out of Washington state, I must also send  
7 written notice within 10 days of moving to the county sheriff with whom I last registered in  
8 Washington state. [If not applicable, this paragraph should be stricken and initialed by the  
9 defendant and the judge. APD BA]

10 (t) This plea of guilty will result in the revocation of my right to possess any firearm.  
11 Possession of any firearm after this plea is prohibited by law until my right to possess a firearm is  
12 restored by a court of record.

13 7. I plead guilty to the crime(s) of POSSESSION OF COCAINE

14  
15  
16 as charged in the MEMORANDUM information. I have received a copy of that information.

17 8. I make this plea freely and voluntarily.

18 9. No one has threatened harm of any kind to me or to any other person to cause me to make  
19 this plea.

20 10. No person has made promises of any kind to cause me to enter this plea except as set  
21 forth in this statement.

22 FORM REV 7/12/00

STATEMENT OF DEFENDANT ON PLEA OF GUILTY  
(Felony) - 9

1 11. The judge has asked me to state briefly in my own words what I did that makes me  
2 guilty of this (these) crime(s). This is my statement:

3 IN KING CO WASHINGTON ON 5/31/02  
4 "I KNOWING IT WAS COCAINE, <sup>POSSESSOR</sup> ~~POSSESSOR~~  
5 ~~COCAINE~~ ~~POSSESSOR~~ I  
6 KNEW COCAINE WAS A CONTROLLED  
7 ILLICIT SUBSTANCE.

8  
9  
10  
11  
12  
13  
14 12. My lawyer has explained to me, and we have fully discussed, all of the above  
15 paragraphs. I understand them all. I have been given a copy of this "Statement of Defendant on  
16 Plea of Guilty." I have no further questions to ask the judge.

17  
18  
19  
20  
21  
22  
DEFENDANT

I have read and discussed this statement  
with the defendant and believe that the  
defendant is competent and fully  
understands the statement.

DEFENDANT'S LAWYER

PROSECUTING ATTORNEY

FORM REV 7/12/00

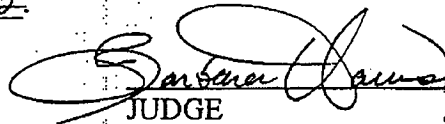
STATEMENT OF DEFENDANT ON PLEA OF GUILTY  
(Felony) - 10

1 The foregoing statement was signed by the defendant in open court in the presence of the  
2 defendant's lawyer and the undersigned judge. The defendant asserted that [check appropriate box]:

- 3 ☐ (a) The defendant had previously read; or  
4 ☐ (b) The defendant's lawyer had previously read to him or her; or  
5 ☐ (c) An interpreter had previously read to the defendant the entire statement above and that the  
6 defendant understood it in full.

7 I find the defendant's plea of guilty to be knowingly, intelligently and voluntarily made. The  
8 defendant understands the charges and the consequences of the plea. There is a factual basis for the  
9 plea. The defendant is guilty as charged.

10 Dated this 26 day of Sept., 2002.

11   
12 JUDGE PRO TEM

13 I am fluent in the \_\_\_\_\_ language and I have translated this entire document for  
14 the defendant from English into that language. I certify under penalty of perjury under the laws of  
15 the State of Washington that the foregoing is true and correct.

16 Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

17 \_\_\_\_\_  
18 TRANSLATOR

19 \_\_\_\_\_  
20 INTERPRETER

21 FORM REV 7/12/00

22 STATEMENT OF DEFENDANT ON PLEA OF GUILTY  
(Felony) - 11

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

Anthony Braoley

Defendant.

No. 02-C-0708-8 SEA

AMENDED INFORMATION

I, Norm Maleng, Prosecuting Attorney for King County in the name and by the authority of the State of Washington, do accuse Anthony Braoley of the crime of Violation of the Uniform Controlled Substances, committed as follows:

That the defendant Anthony Braoley, in King County, Washington, on or about /during a time intervening 5/2/02, did unlawfully and feloniously possess Cocaine, a controlled substance and a narcotic drug;

Contrary to RCW 69.50.401(d), and against the peace and dignity of the State of Washington.

NORM MALENG  
Prosecuting Attorney

By: [Signature]  
Deputy Prosecuting Attorney  
WSBA #91002 913

AMENDED INFORMATION - 1  
vucsa - Revised 5-7-01

Norm Maleng, Prosecuting Attorney  
W554 King County Courthouse  
516 Third Avenue  
Seattle, Washington 98104  
(206) 296-9000  
FAX (206) 296-0955

1  
2  
3  
4  
5  
6  
7 CAUSE NO. 02-C-04718-8 SEA  
8 CAUSE NO. 02-C-04719-6 SEA

9 PROSECUTING ATTORNEY CASE SUMMARY AND REQUEST FOR BAIL AND/OR  
10 CONDITIONS OF RELEASE

11 The State incorporates by reference the Certification for  
12 Determination of Probable Cause signed by the Seattle Police  
regarding incident number 02-208013.

13 REQUEST FOR BAIL

14 **BRADLEY**

15 Initially, the Court set Bradley's bail in the amount of  
16 \$5,000. However, the State requests that bail be increased to the  
17 amount of \$20,000 based on the nature of the crime charged and the  
18 following criminal history: Violation of the Uniform Controlled  
19 Substances Act - Delivery (VUCSA) (91-1-01608-1, 97-1-00606-2);  
20 VUCSA - Possession (93-1-04345-3, 94-1-07524-8, 97-1-00617-8);  
Attempted VUCSA (01-1-10608-90); and Attempt to Elude (93-1-04407-  
7). At the time of filing, Court Services was unable to verify the  
defendant's residence and employment history. Since 1993, this  
Court has issued 48 warrants for the defendant.

21 **WILLIAMS**

22 The State requests that Williams' bail be set in the amount of  
23 \$20,000 based on the nature of the crime charged and the following  
24 criminal history: VUCSA - Possession (92-1-05837-1, 00-1-10102-0);  
25 Forgery and Possessing Stolen Property (96-1-01616-7); Attempted  
26 VUCSA (96-1-05367-4); Theft 2° (98-1-06295-5); Theft 3° (1998,  
1995, 1993); Prostitution (1995); and False Reporting (1995).

27 

---

Alison M. Bogar, WSBA #30380

Prosecuting Attorney Case  
Summary and Request for Bail  
and/or Conditions of Release - 1

**Norm Maleng**  
Prosecuting Attorney  
W 554 King County Courthouse  
Seattle, Washington 98104-2312  
(206) 296-9000



SEATTLE  
POLICE  
DEPARTMENT

**CERTIFICATION FOR DETERMINATION  
OF PROBABLE CAUSE - NARCOTICS**

INCIDENT NUMBER 02-208013
UNIT FILE NUMBER

That Police Officer R. Smith #5937 of the Seattle Police Department believes that there is probable cause that Anthony L. Bradley committed the crime(s) of Violation of the Uniformed Controlled Substances Act on May 14, 2002 at 2144 within the City of Seattle, County of King, State of Washington by possessing with intent to deliver/manufacture crack cocaine, a controlled substance.

This belief is predicated on the following facts and circumstances:

At about 2139, 5-14-2002 the West Precinct Anti-Crime Team (**WACT**) conducted a narcotics "SEE-POP" operation in the Belltown neighborhood. The area of 2<sup>nd</sup> Ave between Virginia St and Bell St. has been the source of numerous Narcotic Activity Reports (**NARS**), as well as a steady flow of 911 calls reporting rampant street drug activity. I was operating as an observation officer, utilizing 7x50 binoculars to enhance my vision. I have over eight years of police experience with the SPD. I have worked over 85 narcotics "buy-bust" operations while assigned to the **WACT**, as an undercover officer, arrest officer, and observation officer. I am very familiar with the dynamics of a street drug deal.

I saw **Bradley** walking NB in the 2100 block of 2<sup>nd</sup> Ave, in the company of **Williams**. **Bradley** stopped near "Zoe's" restaurant on the west sidewalk. **Bradley** was contacted by an unidentified black male approximately 50 YOA. I saw **Bradley** take his left hand out of his left outside jacket pocket and hand something to the unidentified black male with his left hand. **Bradley** then received money from the unidentified male in return. The unidentified black male walked away SB on 2<sup>nd</sup> Ave. **Williams** was standing about five feet to the north during this transaction. **Bradley** and **Williams** met back up and walked away NB on 2<sup>nd</sup> Ave. This transaction was consistent with what I know a street drug deal to look like.

**Bradley** and **Williams** walked NB on 2<sup>nd</sup> Ave to "Wally's Market." **Bradley** and **Williams** ducked into the doorway and made a hand to hand exchange. Both emerged back onto the sidewalk in front of "Wally's Market." I saw **Bradley** looking at some items in his cupped left hand. **Bradley** was contacted by an unidentified black male approximately 30 YOA. I saw **Bradley** hand the unidentified male something from his left hand. The unidentified male handed **Bradley** money, and walked away SB on 2<sup>nd</sup> Ave, and then WB on Blanchard St. **Williams** was standing about five feet north of **Bradley** during the transaction. This transaction was consistent with what I know a street drug deal to look like.

**Bradley** and **Williams** met back up and walked SB on 2<sup>nd</sup> Ave into the 2100 block. I provided **WACT** officers with a complete description of **Bradley** and **Williams**, and my probable cause to believe **Bradley** and **Williams** were working together in concert to sell drugs. **WACT** officers contacted both **Bradley** and **Williams** in the 2100 block of 2<sup>nd</sup> Ave. As **WACT** officers approached, **Bradley** made an abrupt move to his mouth with his right hand, and subsequently chewed and swallowed suspected **crack cocaine**. Officer Fox recovered small pieces of suspected **crack cocaine** from **Bradley's** left outer jacket pocket, which were later field-tested (positive), and \$519.00 in U.S. currency from his person. Officer

**ORIGINAL**





SEATTLE  
POLICE  
DEPARTMENT

**CERTIFICATION FOR DETERMINATION  
OF PROBABLE CAUSE NARCOTICS**

INCIDENT NUMBER 02-208013
UNIT FILE NUMBER

Setterberg contacted **Williams**, and recovered **19.8 grams** of suspected **crack cocaine** and **\$85.00** in U.S. currency. Officer Setterberg conducted a field-test of a small portion of the suspected **crack cocaine** recovered from **Williams** (positive). **Williams** was also found to be wanted on an outstanding **KCSO Felony Warrant** for **VUCSA**. The arrests took place in **SODA Zone #1** and within a **Drug Free Zone** (Route #208 1<sup>st</sup> Ave/Blanchard St).

Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct to best of my knowledge and belief. Signed and dated by me this 14th day of May, 2002, at Seattle, Washington.

**ORIGINAL**

PLEA AGREEMENT

Date of Crime: 5.14.02

Date: 5/31/02 8/26/02

Defendant: Bradley, Anthony Cause No: 02-C-04018-1 SEA/KNT

The State of Washington and the defendant enter into this PLEA AGREEMENT which is accepted only by a guilty plea. This agreement may be withdrawn at any time prior to entry of the guilty plea. The PLEA AGREEMENT is as follows:

On Plea To: As charged in Count(s) I of the ~~Original~~ amended information.

☐ With Special Finding(s): ☐ deadly weapon - firearm, RCW 9.94A.310(3); ☐ deadly weapon other than firearm, RCW 9.94A.310(4); ☐ sexual motivation, RCW 9.94A.127; ☐ protected zone, RCW 69.50.435; ☐ domestic violence, ☐ other; for count(s):

1. ☐ DISMISS: Upon disposition of Count(s) the State moves to dismiss Count(s):

2. ~~REAL FACTS OF HIGHER/MORE SERIOUS AND/OR ADDITIONAL CRIMES:~~ In accordance with RCW 9.94A.370, the parties have stipulated that the court, in sentencing, may consider as real and material facts information as follows:  
☒ as set forth in the certification(s) of probable cause and prosecutor's summary.  
☐ as set forth in

3. ☐ RESTITUTION: Pursuant to RCW 9.94A.142, the defendant agrees to pay restitution as follows:  
☐ in full to the victim(s) on charged counts.  
☐ as set forth in

4. ~~OTHER:~~ Agreed to 33 months agreed, concurrent to 02-C-07413-4 SEA

SENTENCE RECOMMENDATION:

a. ☒ The defendant agrees to the foregoing Plea Agreement and that the attached sentencing guidelines scoring form(s) (Appendix A) and the attached Prosecutor's Understanding of Defendant's Criminal History (Appendix B) are accurate and complete and that the defendant was represented by counsel or waived counsel at the time of prior conviction(s). The State makes the sentencing recommendation set forth in the State's sentence recommendation.

b. ☐ The defendant disputes the Prosecutor's Statement of the Defendant's Criminal History, and the State makes no agreement with regard to a sentencing recommendation and may make a sentencing recommendation for the full penalty allowed by law.

Maximum on Count I is not more than 5 ~~10~~ years and/or \$ 20,000 fine.

Maximum on Count is not more than years and/or \$ fine.

☐ Mandatory Minimum Term(s) pursuant to RCW 9.94A.120(4) only:

☐ Mandatory weapon sentence enhancement for Count(s) is months each. This/these additional term(s) must be served consecutively to any other term and without any earned early release.

☐ Mandatory driver's license revocation RCW 46.20.285; 69.50.420

Mandatory revocation of right to possess a firearm and/or ammunition for any felony conviction. RCW 9.41.047.

The State's recommendation will increase in severity if additional criminal convictions are found or if the defendant commits any new charged or uncharged crimes, fails to appear for sentencing or violates the conditions of his release.

Anthony Bradley  
 Defendant  
Julie Annus  
 Attorney for Defendant  
20996

[Signature]  
 Deputy Prosecuting Attorney  
Barbara Harris  
 Judge, King County Superior Court  
**PRO TEM**

3/14/02

### GENERAL SCORING FORM Drug Offenses

Use this form only for the following offenses: Controlled Substance Homicide; Create, Deliver, or Possess a Counterfeit Controlled Substance - Methamphetamine; Create, Deliver, or Possess a Counterfeit Controlled Substance - Schedule I or II Narcotic; Create, Deliver, or Possess a Counterfeit Controlled Substance - Schedule III-V Narcotic or Schedule I-V Nonnarcotic; Deliver or Possess with Intent to Deliver Methamphetamine; Delivery of a Material in Lieu of a Controlled Substance; Involving a Minor in Drug Dealing; Manufacture, Deliver, or Possess with Intent to Deliver Amphetamine; Manufacture, Deliver, or Possess with Intent to Deliver Heroin or Cocaine; Manufacture, Deliver, or Possess with Intent to Deliver Marijuana; Manufacture, Deliver, or Possess with Intent to Deliver a Narcotic from Schedule I-II (except Heroin or Cocaine), or Flunitrazepam from Schedule IV; Manufacture, Deliver, or Possess with Intent to Deliver a Narcotic from Schedule III-V or Nonnarcotic from Schedule I-V (except Marijuana, Amphetamine, Methamphetamine, or Flunitrazepam); Maintaining a Dwelling for Controlled Substances; Manufacture of Methamphetamine; Over 18 and Deliver Heroin, Methamphetamine, a Narcotics from Schedule I or II, or Flunitrazepam from Schedule IV to Someone Under 18; Over 18 and Deliver Narcotics from Schedule III-V or a Nonnarcotic, except Flunitrazepam, or Methamphetamine from Schedule I-V to Someone under 18 and 3 years Junior; Possession of Ephedrine, Pseudoephedrine or Anhydrous Ammonia with Intent to manufacture Methamphetamine; Selling for Profit (Controlled or Counterfeit) any Controlled Substance.

OFFENDER'S NAME Bradley, Anthony L	OFFENDER'S DOB 09/16/1974	STATE ID# 14830884
JUDGE	CAUSE# 02C047188SEA	FBI ID# 57122TA8

DOC# 707050

In the case of multiple prior convictions for offenses committed before July 1, 1986, for purposes of computing the offender score, count all adult convictions served concurrently as one offense and juvenile convictions entered on the same date as one offense (RCW 9.94A.360).

#### ADULT HISTORY

Enter number of felony drug convictions\* (as defined by RCW 9.94A.030(16)).....  
Enter number of other felony convictions .....

$$\begin{array}{r} 2 \times 3 = 6 \\ 6 \times 1 = 6 \end{array}$$

#### JUVENILE HISTORY

Enter number of felony drug dispositions\*\* (as defined by RCW 9.94A.030(16)).....  
Enter number of other serious violent and violent felony dispositions.....  
Enter number of other felony dispositions.....

$$\begin{array}{r} 1 \times 2 = 2 \\ \quad \times 1 = \quad \\ 2 \times 1/2 = 1 \end{array}$$

#### OTHER CURRENT OFFENSES: (Those offenses not encompassing the same criminal conduct)

Enter number of other felony drug convictions\* (as defined by RCW 9.94A.030 (16)).....  
Enter number of other felony convictions.....

$$\begin{array}{r} \quad \times 3 = \quad \\ 1 \times 1 = 1 \end{array}$$

#### STATUS AT TIME OF CURRENT OFFENSES:

If on community placement at time of current offense, add 1 point.....

$$\quad + 1 = \quad$$

Total the last column to get the Offender Score  
(Round down to the nearest whole number)

8

Poss	STANDARD RANGE CALCULATION* 28 33 43			
VUCSA: Poss - Cocaine	VII	III	III	To 124 monthly
CURRENT OFFENSE BEING SCORED	SERIOUSNESS LEVEL	OFFENDER SCORE	LOW STANDARD SENTENCE RANGE	HIGH

\* If the court orders a deadly weapons enhancement, use the applicable enhancement sheets on pages 111-14 or 111-15 to calculate the enhanced sentence.

\* Add additional time to the standard range for some drug offenses committed in a correctional facility or in a protected zone. See the individual offense reference sheets for specifics.

\* If Drug Offender Sentencing Alternative (DOSA) eligible: see DOSA form for alternative sentence on page III-16.

\*\* The Supreme Court clarified that solicitations to commit violations of the Uniform Controlled Substances Act (RCW 69.50) are not "drug offenses" and are not subject to the multiple "scoring" requirements for drug offenses, under RCW 9.94A.360, or to the community placement requirement for drug offenses, under RCW 9.94A.120(9)(a). See *In re Hopkins*, 137 Wn. 2d 897 (1999).

5/20/02

**APPENDIX B TO PLEA AGREEMENT  
PROSECUTOR'S UNDERSTANDING OF DEFENDANT'S CRIMINAL HISTORY  
( SENTENCING REFORM ACT )**

Page 1 of 2

Defendant : Anthony L Bradley

FBI Num: 57122TA8

StatelD Num: 14830884

☐ None Known. Recommendation and standard range assumes no prior felony convictions

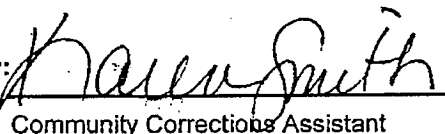
☐ Criminal history not known and not received at this time
**Adult Felonies**

Cause	Agency	Offense	Sentence	
8(B) 931016081	WA King Superior	2/26/93	4/9/93	VUCSA: Deliver Cocaine 90 Days
5(1) 931043453	WA King Superior	3/10/93	11/19/93	VUCSA: Possess Cocaine 5 Months 28 Days
5(7) 931044077	WA King Superior	8/14/93	11/19/93	Attempting to Elude Pursuing Police Vehicle 5 Months 28 Days
5(1) 941075248	WA King Superior	6/30/94	3/17/95	VUCSA: Possess Cocaine 13 Months
5(1) 971006178	WA King Superior	10/7/94	9/5/97	VUCSA: Possess Cocaine 16 Months
5(8) 971057392	WA King Superior	4/23/97	12/19/97	VUCSA: Deliver Cocaine 6 Years 5 Months

**Juvenile Felonies**

Cause	Agency	Offense	Sentence	
22 898007551	WA King Superior	11/11/88	4/17/89	VUCSA: Deliver 10 Days
NS 898024405	WA King Superior	2/24/89	7/18/89	VUCSA: Possess Cocaine 2 Days

Prepared By:



Community Corrections Assistant

King County Prosecuting Attorney/Department of Corrections  
Criminal History Partnership - 10/13/99

5/20/02

APPENDIX B TO PLEA AGREEMENT  
PROSECUTOR'S UNDERSTANDING OF DEFENDANT'S CRIMINAL HISTORY  
( SENTENCING REFORM ACT )

Page 2 of 2

Defendant : Anthony L Bradley

FBI Num: 57122TA8

StateID Num: 14830884

☐ None Known. Recommendation and standard range assumes  
no prior felony convictions

☐ Criminal history not known and not received at this time

Juvenile Felonies

Cause	Agency
898025525	WA King Superior
Offense	Sentence
5/13/89	7/18/89 VUCSA: Deliver
	15 Days
908001794	WA King Superior
Offense	Sentence
12/27/89	2/15/90 VUCSA: Possess Cocaine
	13 Weeks
918034941	WA King Superior
Offense	Sentence
6/8/91	7/10/91 VUCSA: Possess with Intent
	80 Weeks

Misdemeanors

Cause	Agency
25 = UNDER 18 Y.O.A. 0-10, D.V.	
Offense	Sentence

1997 - Obstruction;  
1996 - Susp OL 2; Susp OL 1; Obstruction;  
1994 - NVOL; Susp OL 3;  
1993 - Susp OL 3; Failure to Delivered Leased Property; NVOL; Hit and Run Attended; Negligent  
Driving; Susp OL 2; DWLS 2;  
Juvenile  
1991 - Possession of Marijuana LT 40g; Criminal Trespass 2; Obstruction;  
1989 - Attempted Theft 3; Obstruction;

Prepared By: KG

King County Prosecuting Attorney/Department of Corrections  
Criminal History Partnership - 10/13/99

Community Corrections Assistant

STATE'S SENTENCE RECOMMENDATION  
(NON-SEX OFFENSE ; COMMITTED on or after 7/1/2000; SENTENCE OVER ONE YEAR)

Date of Crime: 5/14/02

Date: 5/31/02 8/12/02

Defendant: ARMSTRONG, BRODERICK

Cause No.: 02-C-04718-8 SEAKNT

State recommends that the defendant be sentenced to a term of total confinement in the Department of Corrections as follows:

Count I 33 months (Actual) Count IV \_\_\_\_\_ months  
Count II \_\_\_\_\_ months Count V \_\_\_\_\_ months  
Count III \_\_\_\_\_ months Count VI \_\_\_\_\_ months

Terms on each count to run concurrently/consecutively with each other.

Terms to be served concurrently/consecutively with: 02-C-07413-4 Sen

Terms to be consecutive to any other term(s) not specifically referred to in this form.

☐ **WEAPONS ENHANCEMENT - RCW 9.94A.310:** The above recommended term(s) of confinement include the following weapons enhancement time: \_\_\_\_\_ months for Ct. \_\_\_\_\_, \_\_\_\_\_ months for Ct. \_\_\_\_\_; which is/are mandatory, served without good time and served consecutive to any other term of confinement. The total of all recommended terms of confinement in this cause is: \_\_\_\_\_ months.

☐ **WORK ETHIC CAMP - RCW 9.94A.137:** Defendant is legally eligible (range is not less than 12 months and 1 day; not more than 36 months; current offense is not VUCSA or VUCSA solicitation for crimes after 7/25/99; no current or prior violent or sex offense). Work Ethic Camp is/is not recommended. If not, why not: \_\_\_\_\_

☐ **DRUG OFFENDER SENTENCE ALTERNATIVE - RCW 9.94A.120(6)(a)** Legal Eligibility: 1) no current or prior violent offenses, sex offenses; 2) no weapon enhancement; 3) if VUCSA "small quantity" of drugs, 4) not deportable. (If DOSA is recommended, use DOSA Recommendation form instead of this form.) Defendant is not eligible for DOSA because: Amount

☒ **EXCEPTIONAL SENTENCE: RCW 9.94A.120(2); RCW 9.94A.390.** This is an exceptional sentence, and the substantial and compelling reasons for departing from the presumptive sentence range are set forth on the attached form.

☐ **NO CONTACT:** For the maximum term, defendant have no contact with \_\_\_\_\_

**MONETARY PAYMENTS:** Defendant make the following monetary payments under the supervision of the Department of Corrections for up to 10 years pursuant to RCW 9.94A.120(12) and RCW 9.94A.145.

☐ Restitution as set forth in the "Plea Agreement" page and ☐ Appendix C.

☒ Court costs; mandatory \$500 Victim Penalty Assessment, recoupment of cost for appointed counsel.

☒ King County Local Drug Fund \$150.00; ☐ \$100 lab fee RCW 43.43.690.

☒ \$1,000, fine for VUCSA; ☒ \$2,000, fine for subsequent VUCSA. ☐ Fine of \$ \_\_\_\_\_;

☒ Costs of incarceration in K.C. Jail at \$50 per day. RCW 9.94A.145(2); ☐ Extradition costs of \$ \_\_\_\_\_;

☐ Emergency Response Costs, \_\_\_\_\_ RCW 38.52.430; ☐ Other \_\_\_\_\_

**COMMUNITY CUSTODY (RCW 9.94A.120(11):** Offenders sentenced to the custody of the Department of Corrections for certain offenses shall serve a term of community custody for the applicable period set forth below, the period of earned early release, or whichever is longer.

<input type="checkbox"/> Sex Offense	36 - 48 months	<input type="checkbox"/> Crimes Against Persons	9 - 18 months	Check box for largest applicable range
<input type="checkbox"/> Serious Violent Offense	24 - 48 months	<input checked="" type="checkbox"/> Violation of Ch. 69.50 or .52	9 - 12 months	
<input type="checkbox"/> Violent Offense	18 - 36 months			

Discretionary conditions recommended by the state: \_\_\_\_\_

**MANDATORY CONSEQUENCES:** HIV blood testing (RCW 70.24.340) for any sex offense, prostitution related offense, or drug offense associated with needle use. DNA testing (RCW 43.43.754) for any sex offense or violent offense as defined in RCW 9.94A.030. Driver's License Revocation (RCW 46.20.285; RCW 69.50.420). Revocation of right to possess a Firearm (RCW 9.41.040).

Approved by:

Deputy Prosecuting Attorney WSBA No.

## APPENDIX C

COMMITMENT ISSUED OCT 17 2002

VUCSA OVER 21

FILED

02 OCT 17 AM 9:59

KING COUNTY  
SUPERIOR COURT CLERK  
SEATTLE, WA.

## SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

No. 021074134SEA

Vs.

JUDGMENT AND SENTENCE  
FELONY

Anthony Bradley

Defendant,

## I. HEARING

I.1 The defendant, the defendant's lawyer, JULIE A. GAMPOND, and the deputy prosecuting attorney were present at the sentencing hearing conducted today. Others present were: \_\_\_\_\_

## II. FINDINGS

There being no reason why judgment should not be pronounced, the court finds:

2.1 CURRENT OFFENSE(S): The defendant was found guilty on Sept 26 '02 by plea of:

Count No.: I Crime: VUCSA - pass. w/ intent & deliv. / MAN. Crack Cocaine  
 RCW: 69.50.401(a)(1)(i) Crime Code: 02-368236  
 Date of Crime: Aug 16 '02 Incident No. 02-368236

Count No.: \_\_\_\_\_ Crime: \_\_\_\_\_  
 RCW: \_\_\_\_\_ Crime Code: \_\_\_\_\_  
 Date of Crime: \_\_\_\_\_ Incident No. \_\_\_\_\_

Count No.: \_\_\_\_\_ Crime: \_\_\_\_\_  
 RCW: \_\_\_\_\_ Crime Code: \_\_\_\_\_  
 Date of Crime: \_\_\_\_\_ Incident No. \_\_\_\_\_

Count No.: \_\_\_\_\_ Crime: \_\_\_\_\_  
 RCW: \_\_\_\_\_ Crime Code: \_\_\_\_\_  
 Date of Crime: \_\_\_\_\_ Incident No. \_\_\_\_\_

[ ] Additional current offenses are attached in Appendix A



**SPECIAL VERDICT or FINDING(S):**

- (a) ☐ While armed with a firearm in count(s) \_\_\_\_\_ RCW 9.94A.310(3).  
(b) ☐ While armed with a deadly weapon other than a firearm in count(s) \_\_\_\_\_ RCW 9.94A.310(4).  
(c) ☐ With a sexual motivation in count(s) \_\_\_\_\_ RCW 9.94A.127.  
(d) ☐ A V.U.C.S.A. offense committed in a protected zone in count(s) \_\_\_\_\_ RCW 69.50.435.  
(e) ☐ Vehicular homicide ☐ Violent traffic offense ☐ DUI ☐ Reckless ☐ Disregard.  
(f) ☐ Vehicular homicide by DUI with \_\_\_\_\_ prior conviction(s) for offense(s) defined in RCW 41.61.5055, RCW 9.94A.310(7).  
(g) ☐ Non-parental kidnapping or unlawful imprisonment with a minor victim. RCW 9A.44.130.  
(h) ☐ Domestic violence offense as defined in RCW 10.99.020 for count(s) \_\_\_\_\_.  
(i) ☐ Current offenses encompassing the same criminal conduct in this cause are count(s) \_\_\_\_\_ RCW 9.94A.400(1)(a).

**2.2 OTHER CURRENT CONVICTION(S):** Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number): \_\_\_\_\_

**2.3 CRIMINAL HISTORY:** Prior convictions constituting criminal history for purposes of calculating the offender score are (RCW 9.94A.360):

- ☐ Criminal history is attached in Appendix B.  
☐ Prior convictions counted as one offense in determining the offender score (RCW 9.94A.360(5)) are: \_\_\_\_\_  
☐ One point added for offense(s) committed while under community placement for count(s) \_\_\_\_\_

**2.4 SENTENCING DATA:**

Sentencing Data	Offender Score	Seriousness Level	Standard Range	Enhancement	Total Standard Range	Maximum Term
Count	9	VII	87-116		87-116 mo.	20 y., \$50,000
Count						
Count						
Count						

- ☐ Additional current offense sentencing data is attached in Appendix C.

**2.5 EXCEPTIONAL SENTENCE:**

- ☐ Substantial and compelling reasons exist which justify a sentence above/below the standard range for Count(s) \_\_\_\_\_. Findings of Fact and Conclusions of Law are attached in Appendix D. The State ☐ did ☐ did not recommend a similar sentence.

**III. JUDGMENT**

IT IS ADJUDGED that defendant is guilty of the current offenses set forth in Section 2.1 above and Appendix A.

- ☐ The Court DISMISSES Count(s) \_\_\_\_\_

#### IV. ORDER

IT IS ORDERED that the defendant serve the determinate sentence and abide by the other terms set forth below.

##### 4.1 RESTITUTION AND VICTIM ASSESSMENT:

- ☐ Defendant shall pay restitution to the Clerk of this Court as set forth in attached Appendix E.  
☐ Defendant shall not pay restitution because the Court finds that extraordinary circumstances exist, and the court, pursuant to RCW 9.94A.142(2), sets forth those circumstances in attached Appendix E.  
☐ Restitution to be determined at future restitution hearing on (Date) \_\_\_\_\_ at \_\_\_\_\_ m.  
☐ Date to be set.  
☐ Defendant waives presence at future restitution hearing(s).  
☐ Restitution is not ordered.

Defendant shall pay Victim Penalty Assessment pursuant to RCW 7.68.035 in the amount of \$500.

##### 4.2 OTHER FINANCIAL OBLIGATIONS: Having considered the defendant's present and likely future financial resources, the Court concludes that the defendant has the present or likely future ability to pay the financial obligations imposed. The Court waives financial obligation(s) that are checked below because the defendant lacks the present and future ability to pay them. Defendant shall pay the following to the Clerk of this Court:

- (a) ☐ \$ 0, Court costs; ☐ Court costs are waived; (RCW 9.94A.030, 10.01.160)  
(b) ☐ \$ 0, Recoupment for attorney's fees to King County Public Defense Programs;  
☐ Recoupment is waived (RCW 9.94A.030);  
(c) ☐ \$ 0, Fine; ☐ \$1,000, Fine for VUCSA; ☐ \$2,000, Fine for subsequent VUCSA;  
☐ VUCSA fine waived (RCW 69.50.430);  
(d) ☐ \$ 0, King County Interlocal Drug Fund; ☐ Drug Fund payment is waived;  
(RCW 9.94A.030)  
(e) ☐ \$ 0, State Crime Laboratory Fee; ☐ Laboratory fee waived (RCW 43.43.690);  
(f) ☐ \$ 0, Incarceration costs; ☐ Incarceration costs waived (RCW 9.94A.145(2));  
(g) ☐ \$ 0, Other costs for: \_\_\_\_\_

##### 4.3 PAYMENT SCHEDULE: Defendant's TOTAL FINANCIAL OBLIGATION is: \$ 500. The payments shall be made to the King County Superior Court Clerk according to the rules of the Clerk and the following terms: ☐ Not less than \$ \_\_\_\_\_ per month; ☐ On a schedule established by the defendant's Community Corrections Officer. Financial obligations shall bear interest pursuant to RCW 10.82.090. The Defendant shall remain under the Court's jurisdiction and the supervision of the Department of Corrections for up to ten years from the date of sentence or release from confinement to assure payment of financial obligations.

*interest waived*

- 4.4 **1999 EXPANDED SPECIAL DRUG OFFENDER SENTENCING ALTERNATIVE (D.O.S.A.) :**  
The Court finds the defendant eligible pursuant to RCW 9.94A.120(6)(a), as amended by CH 197, 1999 LAWS, eff. 7-25-99; [recodified RCW 9.94A.660 eff. 7-1-01] that the defendant and the community will benefit from use of D.O.S.A.; waives imposition of sentence within the standard range and sentences the defendant as follows:

- (a) **TOTAL CONFINEMENT**, RCW 9.94A.120(6)(b): The defendant is sentenced to the following term(s) of commitment in the custody of the DEPT. OF CORRECTIONS to commence ☐ immediately ☐ not later than \_\_\_\_\_ at \_\_\_\_\_ P.M.

50.75 months on Count No. I; \_\_\_\_\_ months on Count No. \_\_\_\_\_  
\_\_\_\_\_ months on Count No. \_\_\_\_\_; \_\_\_\_\_ months on Count No. \_\_\_\_\_  
\_\_\_\_\_ months on Count No. \_\_\_\_\_; \_\_\_\_\_ months on Count No. \_\_\_\_\_

- (b) The above term(s) of confinement represent one half of the midpoint of the standard range.

- (c) The terms imposed herein shall be served concurrently.

The term(s) imposed herein shall run concurrent ~~consecutive~~ with cause No(s) 02 C047188 SEA

The term(s) imposed herein shall run consecutively to any previously imposed commitment not referred to in this judgment.

- (d) The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause. RCW 9.94A.120(17). The time shall be compiled by the JAIL unless specifically set by the court as follows: \_\_\_\_\_

- (e) While incarcerated in the Department of Corrections the defendant shall undergo a comprehensive substance abuse assessment and receive, within available resources, appropriate treatment services.

- 4.5 **COMMUNITY CUSTODY:** The court further imposes 50.75 months, the remainder(s) of the midpoint(s) of the standard range(s), as a term of community custody during which time the defendant shall comply with the instructions, rules and regulations promulgated by the Department for conduct of the defendant during community custody; shall perform affirmative acts necessary to monitor compliance, shall obey all laws and comply with the following mandatory statutory requirements:

- (1) The defendant shall not own, use or possess any firearm or ammunition. RCW 9.94A.120(16).
- (2) The defendant shall not use illegal controlled substances and shall submit to urinalysis or other testing to monitor compliance. RCW 9.94A.120(6)(b)(ii), and (iii)
- (3) The defendant shall complete appropriate substance abuse treatment in a program approved by D.S.H.S., Division of Alcohol and Substance Abuse. RCW 9.94A.120(6)(b)(i)

The court further imposes the following non-mandatory conditions of Community Custody (if checked):

- (4) ☒ The defendant shall not use any alcohol or controlled substances without prescription and shall undergo testing to monitor compliance.
- (5) ☐ Devote time to a specific employment or training.
- (6) ☐ Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment.
- (7) ☒ Report as directed to a community corrections officer.
- (8) ☒ Pay all court ordered legal financial obligations.
- (9) ☐ Perform community service work.

(10) ☐ Stay out of designated areas as follows: \_\_\_\_\_

(11) ☐ Other conditions as set forth in Appendix F

- 4.6 **NON-COMPLIANCE RCW 9.94A.120(6)(c)(e):** If the defendant fails to complete the Department's special drug offender sentencing alternative program or is administratively terminated from the program, he/she shall be reclassified by the Department to serve the balance of the unexpired term of sentence. If the defendant fails to comply with the conditions of supervision as defined by the Department, he/she shall be sanctioned. Sanctions may include reclassification by the Department to serve the balance of the unexpired term of sentence.

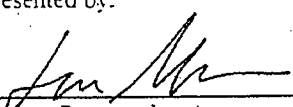
For offenses committed after 7-1-2000 the court further imposes the following additional terms of Community Custody upon failure to complete or administrative termination from D.O.S.A. program: the entire period of earned early release or for any "crime against person" in section 2.1 herein 9 - 18 months; for any violation of 69.50/52 in section 2.1 herein 9 - 12 months whichever is longer. The defendant in this event shall comply with the conditions of Community Custody set forth in section 4.5 herein.

- 4.7 ☐ **BLOOD TESTING** (Prostitution offense or drug offense associated with the use of hypodermic needles): Appendix G, covering blood testing and counseling, is attached and incorporated by reference into this Judgment and Sentence.
- 4.8 ☐ **OFF-LIMITS ORDER:** The defendant, having been found to be a known drug trafficker, shall neither enter nor remain in the protected against drug trafficking area(s) as described in Appendix I during the term of community supervision. Appendix I is attached and incorporated by reference into this Judgment and Sentence.
- 4.9 ☐ **NO CONTACT:** For the maximum term of \_\_\_\_\_ years, defendant shall have no contact with \_\_\_\_\_

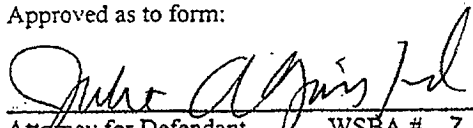
Date: 10-16-02

  
JUDGE  
Print Name: Proff

Presented by:

  
Deputy Prosecuting Attorney, WSBA# 31600  
Print Name: Jenn Miller

Approved as to form:

  
Attorney for Defendant, WSBA # 20916  
Print Name: Julie A. Grisford

FINGERPRINTS

BEST AVAILABLE IMAGE POSSIBLE



RIGHT HAND  
FINGERPRINTS OF:

DATED: 10/10/02  
Benjamin C. Matlock  
JUDGE, KING COUNTY SUPERIOR COURT  
Benjamin C. Matlock

DEFENDANT'S SIGNATURE: [Signature]  
DEFENDANT'S ADDRESS  
King Co Courthouse Court

ATTESTED BY:  
PAUL L. SHERFEY, SUPERIOR COURT CLERK  
BY: [Signature]  
DEPUTY CLERK

CERTIFICATE

I, \_\_\_\_\_,  
CLERK OF THIS COURT, CERTIFY THAT  
THE ABOVE IS A TRUE COPY OF THE  
JUDGMENT AND SENTENCE IN THIS  
ACTION ON RECORD IN MY OFFICE.  
DATED: \_\_\_\_\_

CLERK

BY: \_\_\_\_\_  
DEPUTY CLERK

OFFENDER IDENTIFICATION

S.I.D. NO.

DATE OF BIRTH:

SEX:

RACE:

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

*Anthony Bradley*

Defendant.

NO. *02107413458A*

JUDGMENT AND SENTENCE  
(FELONY) — APPENDIX F,  
ADDITIONAL CONDITIONS  
OF SENTENCE

Additional conditions of sentence are:

*Defendant must obey rules of DASA program  
+ follow treatment*

Date:

*October 16, 2002*

*Kenneth Constock*  
Judge, King County Superior Court

*Pro Tem.*

## APPENDIX D

FILED

02 SEP 27 PM 2:48

KING COUNTY  
SUPERIOR COURT CLERK  
SEATTLE, WA.

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

Vs.

ANTHONY L. BRADLEY

Defendant,

ORIGINAL

No. 02-C-07413-1504

STATEMENT OF DEFENDANT ON  
PLEA OF GUILTY (Felony)

1. My true name is ANTHONY L. BRADLEY

2. My age is 28 Date of Birth 9/16/74

3. I went through the 12<sup>th</sup> grade and 1 yr High School Community  
center

4. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT:

(a) I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me. My lawyer's name is John A. Gaffney

(b) I am charged with the crime(s) of POSSESSION WITH INTENT TO DISTRIBUTE

The elements of this crime(s) are IN KING CO, WA ON 8/16/02 I  
KNOWINGLY POSSESSED WITH INTENT TO DISTRIBUTE COCAINE, A  
CONTROLLED, MANUFACTURED, ILLICIT SUBSTANCE, KNOWING IT  
WAS A CONTROLLED SUBSTANCE.

FORM REV 7/12/00

STATEMENT OF DEFENDANT ON PLEA OF GUILTY  
(Felony) - 1





1 5. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT I HAVE THE  
2 FOLLOWING IMPORTANT RIGHTS, AND I GIVE THEM ALL UP BY  
PLEADING GUILTY:

3 (a) The right to a speedy and public trial by an impartial jury in the county where the crime  
4 is alleged to have been committed;

5 (b) The right to remain silent before and during trial, and the right to refuse to testify against  
6 myself;

7 (c) The right at trial to testify and to hear and question the witnesses who testify against me;

8 (d) The right at trial to have witnesses testify for me. These witnesses can be made to  
9 appear at no expense to me;

10 (e) The right to be presumed innocent until the charge is proven beyond a reasonable doubt  
11 or I enter a plea of guilty;

12 (f) The right to appeal a determination of guilt after a trial.

13 6. IN CONSIDERING THE CONSEQUENCES OF MY GUILTY PLEA(S), I  
14 UNDERSTAND THAT:

15 (a) The crime(s) with which I am charged carries a sentence(s) of:

Count No.	Standard Range	Enhancement That Will Be Added to Standard Range	Maximum Term and Fine
	87-116 MONTHS	NONE	20 years \$ 50,000
			years \$
			years \$

20  
21 RCW 9.94A.030(23), (27), provide that for a third conviction for a "most serious offense" as  
22 defined in that statute or for a second conviction for a "most serious offense" which is also a "sex

FORM REV 7/12/00

STATEMENT OF DEFENDANT ON PLEA OF GUILTY  
(Felony) - 2

offense" as defined in that statute, I may be found a Persistent Offender. If I am found to be a Persistent Offender, the Court must impose the mandatory sentence of life imprisonment without the possibility of early release of any kind, such as parole or community custody. RCW 9.94A.120(4). The law does not allow any reduction of this sentence.

(b) The standard sentence range is based on the crime charged and my criminal history. Criminal history includes prior convictions, whether in this state, in federal court, or elsewhere. If my current offense was prior to 7/1/97: criminal history always includes juvenile convictions for sex offenses and also for Class A felonies that were committed when I was 15 years of age or older; may include convictions in Juvenile Court for felonies or serious traffic offenses that were committed when I was 15 years of age or older; and juvenile convictions, except those for sex offenses and Class A felonies, count only if I was less than 23 years old when I committed the crime to which I am now pleading guilty. If my current offense was after 6/30/97: criminal history includes all prior adult and juvenile convictions or adjudications.

(c) The prosecuting attorney's statement of my criminal history is attached to this agreement. Unless I have attached a different statement, I agree that the prosecuting attorney's statement is correct and complete. If I have attached my own statement, I assert that it is correct and complete. If I am convicted of any additional crimes between now and the time I am sentenced, I am obligated to tell the sentencing judge about those convictions.

(d) If I am convicted of any new crimes before sentencing, or if I was on community placement at the time of the offense to which I am now pleading guilty, or if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendations may increase. Even so, my plea of guilty to this charge is binding on me. I

FORM REV 7/12/00

STATEMENT OF DEFENDANT ON PLEA OF GUILTY  
(Felony) - 3

1 cannot change my mind if additional criminal history is discovered even though the standard  
2 sentencing range and the prosecuting attorney's recommendation increase.

3 If the current offense to which I am pleading guilty is a most serious offense as defined by  
4 RCW 9.94A.030(23),(27), and additional criminal history is discovered, not only do the conditions  
5 of the prior paragraph apply, but also if my discovered criminal history contains two prior  
6 convictions, whether in this state, in federal court, or elsewhere, of most serious offense crimes, I  
7 may be found to be a Persistent Offender. If I am found to be a Persistent Offender, the Court must  
8 impose the mandatory sentence of life imprisonment without the possibility of early release of any  
9 kind, such as parole or community custody. RCW 9.94A.120(4).

10 Even so, my plea of guilty to this charge may be binding on me. I cannot change my plea if  
11 additional criminal history is discovered, even though it will result in the mandatory sentence that  
12 the law does not allow to be reduced.

13 (e) In addition to sentencing me to confinement for the standard range, the judge will order  
14 me to pay \$500 as a victim's compensation fund assessment. If this crime resulted in injury to any  
15 person or damages to or loss of property, the judge will order me to make restitution, unless  
16 extraordinary circumstances exist which make restitution inappropriate. The judge may also order  
17 that I pay a fine, court costs, incarceration, lab and attorney fees. Furthermore, the judge may place  
18 me on community supervision, community placement or community custody, impose restrictions on  
19 my activities, rehabilitative programs, treatment requirements, or other conditions, and order me to  
20 perform community service.

21 (f) The prosecuting attorney will make the following recommendation to the judge: \_\_\_\_\_

22 87 MONTHS (LOW END) CONFINEMENT TO 02-C-04718-8 SGA  
FORM REV 7/12/00 VPA, DRUG FINE<sup>2000</sup> & COSTS, LOCAL DRUG FEE,  
INCARCERATION COSTS, DIST CAN REQUEST DOSA  
STATEMENT OF DEFENDANT ON PLEA OF GUILTY  
(Felony) - 4

1

2

3

☒ See attached Plea Agreement and State's Sentence Recommendation.

4

5

6

7

(g) The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range unless the judge finds substantial and compelling reasons not to do so. If the judge goes outside the standard range, either I or the State can appeal that sentence. If the sentence is within the standard range, no one can appeal the sentence.

8

9

10

11

(h) The crime of \_\_\_\_\_ has a mandatory minimum sentence of at least \_\_\_\_\_ years of total confinement. The law does not allow any reduction of this sentence. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge AB]. AB

12

13

14

15

16

17

18

The crime of \_\_\_\_\_ is a most serious offense as defined by RCW 9.94A.030(23), and if the judge determines that I have at least two prior convictions on separate occasions whether in this state, in federal court, or elsewhere, of most serious crimes, I may be found to be a Persistent Offender. If I am found to be a Persistent Offender, the Court must impose the mandatory sentence of life imprisonment without the possibility of early release of any kind, such as parole or community custody. RCW 9.94A.120(4). [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge AB]. AB

19

20

21

22

The crime of \_\_\_\_\_ is also a "most serious offense" and a "sex offense" as defined in RCW 9.94A.030(23) and (27), and if the judge determines that I have one prior conviction whether in this state, in federal court or elsewhere of a most serious sex offense as defined in that statute, I may also be found to be a Persistent Offender in which case the judge

FORM REV 7/12/00

1 must impose a mandatory sentence of life without the possibility of parole. RCW 9.94A.120(4). [If  
2 not applicable, this paragraph should be stricken and initialed by the defendant and the judge AB  
3 \_\_\_\_.] BA

4 (i) The crime charged in Count 2 includes a firearm/deadly weapon sentence  
5 enhancement of \_\_\_\_\_ months.

6 This additional confinement time is mandatory and must be served consecutively to any  
7 other sentence I have already received or will receive in this or any other cause. [If not applicable,  
8 this paragraph should be stricken and initialed by the defendant and the judge AB \_\_\_\_.] BA

9 (j) The sentences imposed on counts \_\_\_\_\_, except for any weapons enhancement,  
10 will run concurrently unless the judge finds substantial and compelling reason to do otherwise or  
11 unless there is a special weapons finding. [If not applicable, this paragraph should be stricken and  
12 initialed by the defendant and the judge AB \_\_\_\_.] BA

13 (k) In addition to confinement, the judge will sentence me to a period of community  
14 supervision, community placement or community custody.

15 For crimes committed prior to July 1, 2000, the judge will sentence me to: (A) community  
16 supervision for a period of up to one year, or (B) to community placement or community custody  
17 for a period up to three years or up to the period of earned release awarded pursuant RCW  
18 9.94A.150(1) and (2), whichever is longer. [If not applicable, this paragraph should be stricken and  
19 initialed by the defendant and the judge AB \_\_\_\_.] BA

20 For crimes committed on or after July 1, 2000, the judge will sentence me to the community  
21 custody range which is from 9 months to 12 months or up to the period of earned  
22 release awarded pursuant to RCW 9.94A.150(1) and (2), whichever is longer, unless the judge finds  
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STATEMENT OF DEFENDANT ON PLEA OF GUILTY  
(Felony) - 6

1 substantial and compelling reasons to do otherwise. During the period of community custody I will  
2 be under the supervision of the Department of Corrections, and I will have restrictions and  
3 requirements placed upon me. My failure to comply with these conditions will result in the  
4 Department of Corrections transferring me to a more restrictive confinement status or imposing  
5 other sanctions. [If not applicable, this paragraph should be stricken and initialed by the defendant  
6 and the judge \_\_\_\_\_.]

7 (l) If this offense is a sex offense committed after 6/5/96 and I am either sentenced to the  
8 custody of the Department of Corrections or if I am sentenced under the special sexual offender  
9 sentence alternative, the court will, in addition to the confinement, impose not less than 3 years of  
10 community custody which will commence upon my release from jail or prison. Failure to comply  
11 with community custody may result in my return to confinement. In addition, the court may extend  
12 the period of community custody in the interest of public safety for a period up to the maximum  
13 term which is \_\_\_\_\_. [If not applicable,  
14 this paragraph should be stricken and initialed by the defendant and the judge AB.] BH

15 (m) The judge may sentence me as a first-time offender instead of imposing a sentence  
16 within the standard range if I qualify under RCW 9.94A.030. This sentence may include as much as  
17 90 days of confinement plus all of the conditions described in paragraph (e). In addition, I may be  
18 sentenced up to two years of community supervision if the crime was committed prior to July 1,  
19 2000, or two years of community custody if the crime was committed on or after July 1, 2000. The  
20 judge also may require me to undergo treatment, to devote time to a specific occupation, and to  
21 pursue a prescribed course of study or occupational training. [If not applicable, this paragraph  
22 should be stricken and initialed by the defendant and the judge AB.] BH  
FORM REV 7/12/00

1 (n) This plea of guilty will result in revocation of my privilege to drive under RCW  
2 46.20.285 (1)-(3), (5)-(7). If I have a driver's license, I must now surrender it to the judge. [If not  
3 applicable, this paragraph should be stricken and initialed by the defendant and the judge ~~AP~~ BT.]

4 (o) I understand that RCW 46.20.285(4) requires that my driver's license be revoked if the  
5 judge finds I used a motor vehicle in the commission of this felony.

6 (p) If this crime involves a sexual offense, prostitution, or a drug offense associated with  
7 hypodermic needles, I will be required to undergo testing for the human immunodeficiency (AIDS)  
8 virus. [If not applicable', this paragraph should be stricken and initialed by the defendant and the  
9 judge ~~AP~~ BT.]

10 (q) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a  
11 crime under state law is grounds for deportation, exclusion from admission to the United States, or  
12 denial of naturalization pursuant to the laws of the United States.

13 (r) If this crime involves a sex offense or a violent offense, I will be required to provide a  
14 sample of my blood for purposes of DNA identification analysis. [If not applicable', this paragraph  
15 should be stricken and initialed by the defendant and the judge ~~AP~~ BT.]

16 (s) Because this crime involves a sex offense, I will be required to register with the sheriff  
17 of the county of the state of Washington where I reside. I must register immediately upon being  
18 sentenced unless I am in custody, in which case I must register within 24 hours of my release.

19 If I leave this state following my sentencing or release from custody but later move back to  
20 Washington, I must register within 30 days after moving to this state or within 24 hours after doing  
21 so if I am under the jurisdiction of this state's Department of Corrections.

22 FORM REV 7/12/00

STATEMENT OF DEFENDANT ON PLEA OF GUILTY  
(Felony) - 8

1 If I change my residence within a county, I must send written notice of my change of  
2 residence to the sheriff at least 14 days before moving and must register again with the sheriff  
3 within 24 hours of moving. If I change my residence to a new county within this state, I must send  
4 written notice of my change of residence to the sheriff of my new county at least 14 days before  
5 moving and I must give written notice of my change of address to the sheriff of the county where I  
6 last registered within 10 days of moving. If I move out of Washington state, I must also send  
7 written notice within 10 days of moving to the county sheriff with whom I last registered in  
8 Washington state. [If not applicable, this paragraph should be stricken and initialed by the  
9 defendant and the judge (IV).]

10 (t) This plea of guilty will result in the revocation of my right to possess any firearm.  
11 Possession of any firearm after this plea is prohibited by law until my right to possess a firearm is  
12 restored by a court of record.

13 7. I plead guilty to the crime(s) of POSSESSION OF COCAINE  
14 WITH INTENT TO DELIVER

15  
16 as charged in the ORIGINAL information. I have received a copy of that information.

17 8. I make this plea freely and voluntarily.

18 9. No one has threatened harm of any kind to me or to any other person to cause me to make  
19 this plea.

20 10. No person has made promises of any kind to cause me to enter this plea except as set  
21 forth in this statement.

22 FORM REV 7/12/00

STATEMENT OF DEFENDANT ON PLEA OF GUILTY  
(Felony) - 9




1 11. The judge has asked me to state briefly in my own words what I did that makes me  
2 guilty of this (these) crime(s). This is my statement:

3 IN KING CO WA ON 8/16/02  
4 I KNOWINGLY <sup>AND FELONIOUSLY</sup> POSSESSED COCAINE WITH INTENT TO  
5 ~~DELIVER~~ I KNOW COCAINE  
6 WAS A CONTROLLED ILLEGAL SUBSTANCE

7  
8  
9  
10  
11  
12  
13  
14 12. My lawyer has explained to me, and we have fully discussed, all of the above  
15 paragraphs. I understand them all. I have been given a copy of this "Statement of Defendant on  
16 Plea of Guilty." I have no further questions to ask the judge.

17  
18   
DEFENDANT

19 I have read and discussed this statement  
20 with the defendant and believe that the  
21 defendant is competent and fully  
22 understands the statement.

21   
22 PROSECUTING ATTORNEY  
FORM REV 7/12/00

  
DEFENDANT'S LAWYER

#20296

STATEMENT OF DEFENDANT ON PLEA OF GUILTY  
(Felony) - 10

1 The foregoing statement was signed by the defendant in open court in the presence of the  
2 defendant's lawyer and the undersigned judge. The defendant asserted that [check appropriate box]:

- 3 ☐ (a) The defendant had previously read; or  
4 ☐ (b) The defendant's lawyer had previously read to him or her; or  
5 ☐ (c) An interpreter had previously read to the defendant the entire statement above and that the  
6 defendant understood it in full.

7 I find the defendant's plea of guilty to be knowingly, intelligently and voluntarily made. The  
8 defendant understands the charges and the consequences of the plea. There is a factual basis for the  
9 plea. The defendant is guilty as charged.

10 Dated this 26 day of Sept., 2002

11 Barbara Hanna  
12 JUDGE PRO TEM

13 I am fluent in the \_\_\_\_\_ language and I have translated this entire document for  
14 the defendant from English into that language. I certify under penalty of perjury under the laws of  
15 the State of Washington that the foregoing is true and correct.

16 Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

17 \_\_\_\_\_  
18 TRANSLATOR

19 \_\_\_\_\_  
20 INTERPRETER

21 FORM REV 7/12/00

22 STATEMENT OF DEFENDANT ON PLEA OF GUILTY  
(Felony) - 11

1  
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3  
4  
5  
6  
7 SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

8 THE STATE OF WASHINGTON, )  
9 Plaintiff, ) No. 02-C-07413-4 SEA  
10 v. ) 02-C-07414-2 SEA  
11 ANTHONY LAMOUNT BRADLEY, and ) INFORMATION  
12 JOYCE MARIE HAYES )  
13 and each of them, )  
14 Defendants. )

15 I, Norm Maleng, Prosecuting Attorney for King County in the  
16 name and by the authority of the State of Washington, do accuse  
17 ANTHONY LAMOUNT BRADLEY and JOYCE MARIE HAYES, and each of them, of  
the crime of Violation of the Uniform Controlled Substances Act,  
committed as follows:

18 That the defendants ANTHONY LAMOUNT BRADLEY and JOYCE MARIE  
19 HAYES, and each of them, in King County, Washington on or about  
20 August 16, 2002, unlawfully and feloniously did possess with intent  
to manufacture or deliver Cocaine, a controlled substance and a  
narcotic drug, and did know it was a controlled substance;

21 Contrary to RCW 69.50.401(a)(1)(i), and against the peace and  
22 dignity of the State of Washington.

23 NORM MALENG  
24 Prosecuting Attorney

25 By: \_\_\_\_\_  
26 Amy R. Holt, WSBA #28274  
27 Deputy Prosecuting Attorney

Norm Maleng  
Prosecuting Attorney  
W 554 King County Courthouse  
Seattle, Washington 98104-2312  
(206) 296-9000

1  
2  
3  
4  
5  
6  
7 CAUSE NO. 02-C-07413-4 SEA  
8 CAUSE NO. 02-C-07414-2 SEA

9 PROSECUTING ATTORNEY CASE SUMMARY AND REQUEST FOR BAIL AND/OR  
10 CONDITIONS OF RELEASE

11 The State incorporates by reference the Certification for  
12 Determination of Probable Cause for Seattle Police Department  
13 incident number 02-368236, signed by Officer R. Smith.

14 REQUEST FOR BAIL

15 Bail at First Appearance was set for defendant Bradley in the  
16 amount of \$25,000. Given Bradley's criminal and warrant history,  
17 as well as the fact that this offense occurred while he was  
18 released on bail for a pending VUCSA Possession with Intent charge  
19 (King County cause number 02-C-04718-8 SEA), the State requests  
20 that bail be increased to \$50,000. Defendant Bradley has adult  
21 felony convictions for VUCSA Delivery (two convictions, 1993 and  
22 1997), VUCSA Possession (three convictions, 1993-1995) and  
23 Attempting to Elude (1993). Bradley has juvenile felony  
24 convictions for VUCSA Delivery (two convictions, 1988-1989), VUCSA  
25 Possession with Intent (1991) and VUCSA Possession (two  
26 convictions, 1989). Bradley was convicted of Attempted VUCSA  
27 earlier this year, in April, 2002. Additionally, he has two  
Obstructing convictions and multiple driving offenses. According  
to Court Services, Bradley has been booked into the King County  
Jail 33 times since 1993 and has accrued 48 warrants on those  
bookings.

Bail was set at First Appearance for defendant Hayes in the  
amount of \$3,000. Based upon the large quantity of narcotics  
involved and the nature of the facts as outlined in the  
Certification for Determination of Probable Cause, the  
State requests that bail be increased to \$10,000.

Amy R. Holt, WSBA #28274

Prosecuting Attorney Case  
Summary and Request for Bail  
and/or Conditions of Release - 1.

Norm Maleng  
Prosecuting Attorney  
W 554 King County Courthouse  
Seattle, Washington 98104-2312  
(206) 296-9000

CAUSE NO. **U2 C 07413 4SEA**



SEATTLE  
POLICE  
DEPARTMENT

**CERTIFICATION FOR DETERMINATION  
OF PROBABLE CAUSE - NARCOTICS**

INCIDENT NUMBER <b>02-368236</b>
UNIT FILE NUMBER

That Police Officer R. Smith #5937 of the Seattle Police Department believes that there is probable cause that Anthony L. Bradley committed the crime(s) of Violation of the Uniformed Controlled Substances Act on August 16, 2002 at 2034 within the City of Seattle, County of King, State of Washington by possessing with intent to deliver/manufacture crack cocaine, a controlled substance.

This belief is predicated on the following facts and circumstances:

The West Precinct Anti-Crime Team (**WACT**) was assigned to serve a narcotics search warrant at **2408 2<sup>nd</sup> Ave #108**. The warrant was issued by King County Superior Court Judge Michael Fox on 8-15-2002 at 1042, with a 5-day expiration. The warrant described the premise to be searched, as well as a black male identified as "**Tone**," described as 6'1" 215 pounds, and a black female identified as "**Marla**," 5'6" and 180 pounds.

At about 2034 the **WACT** made entry into unit #108, and encountered **Bradley** in the kitchen and **Hayes** in the living room. **Bradley** was found to be 5'11" and 190 pounds, fitting the description of "**Tone**." **Hayes** identified herself as the resident of the premise. Several pieces of dominion and control were located to substantiate **Hayes'** address as 2408 2<sup>nd</sup> Ave #108.

Officer Z. Dornay recovered **48 grams** of suspected **flake cocaine** (field-test positive) in the kitchen, as well as a total of **46 grams** of suspected **crack cocaine** (field-test positive) in the same location.

**33 grams** of the total of the **46 grams** of suspected crack cocaine was packaged in a plastic baggie, and Officer Dornay saw **Bradley** throw the baggie to the ground as he entered the kitchen to contact **Bradley**.

Officer Dornay recovered the remaining **13 grams** of the total of **46 grams** of suspected **crack cocaine** in the kitchen sink, packaged in plastic.

Officer Dornay also recovered two scales of weight and measure, and two pieces of glassware coated with suspected **cocaine** residue (field-test positive) in the kitchen.

Officer Dornay recovered **\$101.00** in U.S. currency from the kitchen sink.

Officer Long recovered **\$600.00** in U.S. currency from **Bradley's** left sock.

I found a piece of glassware on a living room table containing **.5 grams** of suspected **crack cocaine**. I also recovered several pieces of mail inside the premise belonging to **Bradley**, but listing a Kent, WA address.

Officer Setterberg recovered **.7 grams** of suspected **crack cocaine** (field-test positive) from **Hayes**, and **\$38.00** in U.S. currency.

The arrests took place in **SODA Zone #1** and within a **Drug Free Zone** (Route #599 1<sup>st</sup> Ave and Wall St).

Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct to best of my knowledge and belief. Signed and dated by me this 17<sup>th</sup> day of Aug, 2002, at Seattle, Washington.

*R. Smith*

**ORIGINAL**

PLEA AGREEMENT

Date of Crime: 8.16.02

Date: 8/26/02

Defendant: Bradley, Anthony

Cause No: 02-C-07413-4 SEA/KNT

The State of Washington and the defendant enter into this PLEA AGREEMENT which is accepted only by a guilty plea. This agreement may be withdrawn at any time prior to entry of the guilty plea. The PLEA AGREEMENT is as follows:

On Plea To: As charged in Count(s) I of the original ~~amended~~ information.

☐ With Special Finding(s): ☐ deadly weapon - firearm, RCW 9.94A.310(3); ☐ deadly weapon other than firearm, RCW 9.94A.310(4); ☐ sexual motivation, RCW 9.94A.127; ☐ protected zone, RCW 69.50.435; ☐ domestic violence, ☐ other \_\_\_\_\_; for count(s): \_\_\_\_\_

1. ☐ DISMISS: Upon disposition of Count(s) \_\_\_\_\_ the State moves to dismiss Count(s): \_\_\_\_\_

2. ~~REAL~~ **FACTS OF HIGHER/MORE SERIOUS AND/OR ADDITIONAL CRIMES:** In accordance with RCW 9.94A.370, the parties have stipulated that the court, in sentencing, may consider as real and material facts information as follows:  
☒ as set forth in the certification(s) of probable cause and prosecutor's summary.  
☐ as set forth in \_\_\_\_\_

3. ☐ RESTITUTION: Pursuant to RCW 9.94A.142, the defendant agrees to pay restitution as follows:  
☐ in full to the victim(s) on charged counts.  
☐ as set forth in \_\_\_\_\_

4. **OTHER:** Agree to 87 months concurrent to  
02-C-04718-8 SEA (per E-Rogers)

**SENTENCE RECOMMENDATION:**

a. ☒ The defendant agrees to the foregoing Plea Agreement and that the attached sentencing guidelines scoring form(s) (Appendix A) and the attached Prosecutor's Understanding of Defendant's Criminal History (Appendix B) are accurate and complete and that the defendant was represented by counsel or waived counsel at the time of prior conviction(s). The State makes the sentencing recommendation set forth in the State's sentence recommendation.

b. ☐ The defendant disputes the Prosecutor's Statement of the Defendant's Criminal History, and the State makes no agreement with regard to a sentencing recommendation and may make a sentencing recommendation for the full penalty allowed by law.

Maximum on Count 1 is not more than 20 years and/or \$ 50,000 fine.

Maximum on Count \_\_\_\_\_ is not more than \_\_\_\_\_ years and/or \$ \_\_\_\_\_ fine.

☐ Mandatory Minimum Term(s) pursuant to RCW 9.94A.120(4) only: \_\_\_\_\_

☐ Mandatory weapon sentence enhancement for Count(s) \_\_\_\_\_ is \_\_\_\_\_ months each. This/these additional term(s) must be served consecutively to any other term and without any earned early release.

☐ Mandatory driver's license revocation RCW 46.20.285; 69.50.420

Mandatory revocation of right to possess a firearm and/or ammunition for any felony conviction. RCW 9.41.047.

The State's recommendation will increase in severity if additional criminal convictions are found or if the defendant commits any new charged or uncharged crimes, fails to appear for sentencing or violates the conditions of his release.

Anthony Bradley  
 Defendant  
John A. [Signature]  
 Attorney for Defendant  
2002

[Signature] (13)  
 Deputy Prosecuting Attorney  
[Signature]  
 Judge, King County Superior Court  
**THROTTEN**

## GENERAL SCORING FORM

### Drug Offenses

Use this form only for the following offenses: Controlled Substance Homicide; Create, Deliver, or Possess a Counterfeit Controlled Substance - Methamphetamine; Create, Deliver, or Possess a Counterfeit Controlled Substance - Schedule I or II Narcotic; Create, Deliver, or Possess a Counterfeit Controlled Substance - Schedule III-V Narcotic or Schedule I-V Nonnarcotic; Deliver or Possess with Intent to Deliver Methamphetamine; Delivery of a Material in Lieu of a Controlled Substance; Involving a Minor in Drug Dealing; Manufacture, Deliver, or Possess with Intent to Deliver Amphetamine; Manufacture, Deliver, or Possess with Intent to Deliver Heroin or Cocaine; Manufacture, Deliver, or Possess with Intent to Deliver Marijuana; Manufacture, Deliver, or Possess with Intent to Deliver a Narcotic from Schedule I-II (except Heroin or Cocaine), or Flunitrazepam from Schedule IV; Manufacture, Deliver, or Possess with Intent to Deliver a Narcotic from Schedule III-V or Nonnarcotic from Schedule I-V (except Marijuana, Amphetamine, Methamphetamine, or Flunitrazepam); Maintaining a Dwelling for Controlled Substances; Manufacture of Methamphetamine; Over 18 and Deliver Heroin, Methamphetamine, a Narcotics from Schedule I or II, or Flunitrazepam from Schedule IV to Someone Under 18; Over 18 and Deliver Narcotics from Schedule III-V or a Nonnarcotic, except Flunitrazepam, or Methamphetamine from Schedule I-V to Someone under 18 and 3 years Junior; Possession of Ephedrine, Pseudoephedrine or Anhydrous Ammonia with Intent to manufacture Methamphetamine; Selling for Profit (Controlled or Counterfeit) any Controlled Substance.

<b>OFFENDER'S NAME</b> Bradley, Anthony L	<b>OFFENDER'S DOB</b> 09/16/1974	<b>STATE ID#</b> 14830884
<b>JUDGE</b>	<b>CAUSE#</b> 02C074134SEA	<b>FBI ID#</b> 57122TA8

DOC# 707050

In the case of multiple prior convictions for offenses committed before July 1, 1988, for purposes of computing the offender score, count all adult convictions served concurrently as one offense and juvenile convictions entered on the same date as one offense (RCW 9.94A.360).

#### ADULT HISTORY

Enter number of felony drug convictions\* (as defined by RCW 9.94A.030(16)).....

Enter number of other felony convictions .....

x 3 =  
6 x 1 = 6

#### JUVENILE HISTORY

Enter number of felony drug dispositions\*\* (as defined by RCW 9.94A.030(16)).....

Enter number of other serious violent and violent felony dispositions.....

Enter number of other felony dispositions.....

x 2 =  
x 1 =  
5 x 1/2 = 2 1/2

#### OTHER CURRENT OFFENSES: (Those offenses not encompassing the same criminal conduct)

Enter number of other felony drug convictions\* (as defined by RCW 9.94A.030 (16)).....

Enter number of other felony convictions.....

x 3 =  
1 x 1 = 1

#### STATUS AT TIME OF CURRENT OFFENSES:

If on community placement at time of current offense, add 1 point.....

+ 1 =

Total the last column to get the Offender Score  
(Round down to the nearest whole number)

9

#### STANDARD RANGE CALCULATION\*

VUCSA: PWI - Cocaine	Vif	9	87	To	116
CURRENT OFFENSE BEING SCORED	SERIOUSNESS LEVEL	OFFENDER SCORE	LOW STANDARD SENTENCE RANGE		HIGH

\* If the court orders a deadly weapons enhancement, use the applicable enhancement sheets on pages 111-14 or 111-15 to calculate the enhanced sentence.

\* Add additional time to the standard range for some drug offenses committed in a correctional facility or in a protected zone. See the individual offense reference sheets for specifics.

\* If Drug Offender Sentencing Alternative (DOSA) eligible: see DOSA form for alternative sentence on page III-18.

\*\* The Supreme Court clarified that solicitations to commit violations of the Uniform Controlled Substances Act (RCW 89.50) are not "drug offenses" and are not subject to the multiple "scoring" requirements for drug offenses, under RCW 9.94A.360, or to the community placement requirement for drug offenses, under RCW 9.94A.120(9)(a). See *In re Hopkins*, 137 Wn. 2d 897 (1999).

**APPENDIX B TO PLEA AGREEMENT**  
**PROSECUTOR'S UNDERSTANDING OF DEFENDANT'S CRIMINAL HISTORY**  
**(SENTENCING REFORM ACT)**

Defendant: ANTHONY L BRADLEY

FBI No.: 57122TA8

State ID No.: WA14830884

DOC No.: 707050

This criminal history compiled on: August 22, 2002

- ☐ None known. Recommendations and standard range assumes no prior felony convictions.  
☐ Criminal history not known and not received at this time. WASIS/NCIC last received on 08/22/2002

**Adult Felonies**

Offense	Score	Disposition
97-1-05739-2 04/23/1997 vucsa - pwi cocaine		WA King Superior Court - Guilty 12/19/1997 serve 77m doc conc w/97-1-00617-8sea.
97-1-00617-8 10/07/1994 vucsa - possess cocaine		WA King Superior Court - Guilty 09/05/1997 16m doc. 03 15 02 ord mod sent. 14d jail.
94-1-07524-8 06/30/1994 vucsa - possess cocaine		WA King Superior Court - Guilty 03/17/1995 p/guilty. serve 13m doc. pay kc drug fund \$100.00. pay state crime lab fee \$100.00. pay costs. pay cv/pen asst \$100.00.
93-1-04407-7 08/14/1993 atempt to elude pursuing poli		WA King Superior Court - Guilty 11/19/1993 p/guilty. serve 6m kc jail conc w/93-1-04345-3. 12m comm supv. pay costs. pay cv/pen asst \$100.00.
93-1-04345-3 03/10/1993 vucsa - possess cocaine		WA King Superior Court - Guilty 11/19/1993 p/guilty. serve 6m kc jail conc w/93-1-04407-7. 12m comm supv. pay kc drug fund \$200.00. pay cv/pen asst \$100.00.
93-1-01608-1 03/02/1993 vucsa - pwi cocaine		WA King Superior Court - Guilty 04/27/1993 p/guilty. serve 3m kc jail. 12m comm supv. pay costs. pay cv/pen asst \$100. 05 10 93 ord mod sent. serve 7d kc jail.

**Adult Misdemeanors**

Offense	Score	Disposition
01-1-10608-9 11/09/2001 attempted vucsa		WA King Superior Court - Guilty 05/31/2002 sntcd 12m jail suspd. serve 4m jail. 12m prob.
312432 SP 06/26/1997 obstruction		WA Seattle Municipal Court - Guilty
297799 SP 12/05/1996 susp.ol.2nd		WA Seattle Municipal Court - Guilty
297728 SP 12/03/1996 susp.ol.1st		WA Seattle Municipal Court - Guilty
263413 SP 01/15/1996 obstruction		WA Seattle Municipal Court - Guilty
N00058575 FP 08/26/1994 no valid drivers license		WA Federal Way Div King Co District Ct - Guilty
203794 SP 06/30/1994 susp.ol.3rd		WA Seattle Municipal Court - Guilty



**APPENDIX B TO PLEA AGREEMENT  
PROSECUTOR'S UNDERSTANDING OF DEFENDANT'S CRIMINAL HISTORY  
(SENTENCING REFORM ACT)**

Defendant: ANTHONY L BRADLEY

FBI No.: 57122TA8

State ID No.: WA14830884

DOC No.: 707050

**Adult Misdemeanors**

Offense	Score	Disposition
179685 SP 12/11/1993 susp.ol.2nd		WA Seattle Municipal Court - Guilty
M00009882 FP 12/02/1993 failure to deliver leased pro		WA Federal Way Div King Co District Ct - Guilty
7603531 WS 10/19/1993 no valid drivers license/expi		WA Southwest Div King Co Dist Ct - Guilty
178221 SP 10/09/1993 h/r attended		WA Seattle Municipal Court - Guilty
178221 SP 10/09/1993 neg. driving		WA Seattle Municipal Court - Guilty
178221 SP 10/09/1993 susp.ol.2nd		WA Seattle Municipal Court - Guilty
M00006011 KC 09/10/1993 dwls/r - 2nd degree		WA Seattle District Court - Guilty

**Juvenile Felonies**

Offense	Score	Disposition
918034941 06/08/91 vucsa - pwi		WA King Superior Court - Guilty 07/10/1991 80 weeks
908001794 12/27/89 vucsa - possess		WA King Superior Court - Guilty 02/15/1990 13 weeks
898025525 05/13/89 vucsa - delivery		WA King Superior Court - Guilty 07/18/1989 12 months comm sup; 56 hours comm svc; 15 days detention
898024405 02/24/89 vucsa - possess		WA King Superior Court - Guilty 07/18/1989 3 months comm sup; 16 hours comm svc; 2 days detention
898007551 11/11/88 vucsa - delivery		WA King Superior Court - Guilty 04/17/1989 6 months comm sup; 40 hours comm svc; 10 days detention

**Juvenile Misdemeanors**

Offense	Score	Disposition
918042952 03/08/91 obstruction		WA King Superior Court - Guilty 09/10/1991
918024130 02/08/91 vucsa poss mjt lt 40g		WA King Superior Court - Guilty 07/22/1991
918024130 02/08/91 criminal trespass 2		WA King Superior Court - Guilty 07/22/1991

**Comments**

Prepared by:

*Karen Smith*  
Karen Smith, CCA  
Department of Corrections

STATE'S SENTENCE RECOMMENDATION  
(NON-SEX OFFENSE ; COMMITTED on or after 7/1/2000; SENTENCE OVER ONE YEAR)

Date of Crime : 8/1/02 Date: 8/26/02  
Defendant: Anthony Brown Cause No.: 02-C-09413-E SEA/KNT

State recommends that the defendant be sentenced to a term of total confinement in the Department of Corrections as follows:

Count I 87 months ~~(100)~~ Count IV \_\_\_\_\_ months  
Count II \_\_\_\_\_ months Count V \_\_\_\_\_ months  
Count III \_\_\_\_\_ months Count VI \_\_\_\_\_ months

Terms on each count to run concurrently/consecutively with each other.

Terms to be served concurrently/consecutively with: 02-C-09413-E SEA

Terms to be consecutive to any other term(s) not specifically referred to in this form.

☐ **WEAPONS ENHANCEMENT - RCW 9.94A.310:** The above recommended term(s) of confinement include the following weapons enhancement time: \_\_\_\_\_ months for Ct. \_\_\_\_\_, \_\_\_\_\_ months for Ct. \_\_\_\_\_, \_\_\_\_\_ months for Ct. \_\_\_\_\_; which is/are mandatory, served without good time and served consecutive to any other term of confinement. The total of all recommended terms of confinement in this cause is: \_\_\_\_\_ months.

☐ **WORK ETHIC CAMP - RCW 9.94A.137:** Defendant is legally eligible (range is not less than 12 months and 1 day; not more than 36 months; current offense is not VUCSA or VUCSA solicitation for crimes after 7/25/99; no current or prior violent or sex offense). Work Ethic Camp is/is not recommended. If not, why not: \_\_\_\_\_

☐ **DRUG OFFENDER SENTENCE ALTERNATIVE - RCW 9.94A.120(6)(a)** Legal Eligibility: 1) no current or prior violent offenses, sex offenses; 2) no weapon enhancement; 3) if VUCSA "small quantity" of drugs, 4) not deportable. (If DOSA is recommended, use DOSA Recommendation form instead of this form.) Defendant is not eligible for DOSA because: Answer

☐ **EXCEPTIONAL SENTENCE: RCW 9.94A.120(2); RCW 9.94(a).390.** This is an exceptional sentence, and the substantial and compelling reasons for departing from the presumptive sentence range are set forth on the attached form.

☐ **NO CONTACT:** For the maximum term, defendant have no contact with \_\_\_\_\_

**MONETARY PAYMENTS:** Defendant make the following monetary payments under the supervision of the Department of Corrections for up to 10 years pursuant to RCW 9.94A.120(12) and RCW 9.94A.145.

- ☐ Restitution as set forth in the "Plea Agreement" page and ☐ Appendix C.  
☒ Court costs; mandatory \$500 Victim Penalty Assessment, recoupment of cost for appointed counsel.  
☒ King County Local Drug Fund \$ (500); ☐ \$100 lab fee RCW 43.43.690.  
☐ \$1,000, fine for VUCSA; ☒ \$2,000, fine for subsequent VUCSA. ☐ Fine of \$ \_\_\_\_\_;  
☒ Costs of incarceration in K.C. Jail at \$50 per day. RCW 9.94A.145(2); ☐ Extradition costs of \$ \_\_\_\_\_;  
☐ Emergency Response Costs, \_\_\_\_\_ RCW 38.52.430; ☐ Other \_\_\_\_\_

**COMMUNITY CUSTODY (RCW 9.94A.120(11):** Offenders sentenced to the custody of the Department of Corrections for certain offenses shall serve a term of community custody for the applicable period set forth below, the period of earned early release, or whichever is longer.

<input type="checkbox"/> Sex Offense	36 - 48 months	<input type="checkbox"/> Crimes Against Persons	9 - 18 months	Check box for largest applicable range
<input type="checkbox"/> Serious Violent Offense	24 - 48 months	<input checked="" type="checkbox"/> Violation of Ch. 69.50 or .52	9 - 12 months	
<input type="checkbox"/> Violent Offense	18 - 36 months			

Discretionary conditions recommended by the state: \_\_\_\_\_

**MANDATORY CONSEQUENCES:** HIV blood testing (RCW 70.24.340) for any sex offense, prostitution related offense, or drug offense associated with needle use. DNA testing (RCW 43.43.754) for any sex offense or violent offense as defined in RCW 9.94A.030. Driver's License Revocation (RCW 46.20.285; RCW 69.50.420). Revocation of right to possess a Firearm (RCW 9.41.040).

Approved by: \_\_\_\_\_

Deputy Prosecuting Attorney WSBA No. \_\_\_\_\_

## APPENDIX E

**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION ONE**

In the Matter of the Personal  
Restraint of:

ANTHONY L. BRADLEY,

\_\_\_\_\_  
Petitioner.

No. 53154-9-I

ORDER LIFTING STAYS  
AND DISMISSING PERSONAL  
RESTRAINT PETITIONS

In the Matter of the Personal  
Restraint of:

RODNEY ROMMEL OLIVER,

\_\_\_\_\_  
Petitioner.

No. 52353-8-I

In these two personal restraint petitions, the petitioners have challenged the calculation of their offender scores. The petitioners contend that the trial court improperly included previously "washed out" convictions when determining their criminal histories and offender scores based on the 2002 amendments to RCW 9.94A.525 and RCW 9.94A.030 of the Sentencing Reform Act of 1981 (SRA). Petitioners rely on State v. Smith, 144 Wn.2d 665, 30 P.2d 1245 (2001), and State v. Cruz, 139 Wn.2d 86, 985 P.2d 384 (1999), to support their argument. Consideration of the petitions was stayed pending final resolution of State v. Varga, \_\_\_ Wn.2d \_\_\_, 86 P.3d 139 (2004). Because the Supreme Court has since decided that case, the stays should now be lifted.

Petitioners contend that sentencing courts cannot be required to include their previously "washed out" prior convictions when calculating offender scores for crimes committed on or after the effective date of the 2002 SRA amendments. They are mistaken.

The Washington Supreme Court recently considered virtually the same argument in Varga. There, the Court held that "[t]he [L]egislature may prospectively amend the SRA to require that courts include previously 'washed out' convictions when calculating offender scores and has done so by the plain language of the 2002 SRA amendments" and that

No. 53154-9-1/2  
No. 52353-8-1/2

those amendments do not act retroactively to alter the underlying legal consequences of the previously "washed out" convictions.

Here, as in Varga, the petitioners all committed their crimes after June 13, 2002, the 2002 amendments' effective date. Given the plain language in the 2002 SRA amendments and the unambiguous holding in Varga, petitioners have failed to establish that their offender scores were miscalculated.

Now, therefore, it is hereby

ORDERED that the stays previously imposed are lifted. It is further

ORDERED that the personal restraint petitions listed above are all dismissed under RAP 16.11(b).

Done this 19<sup>th</sup> day of May, 2004.

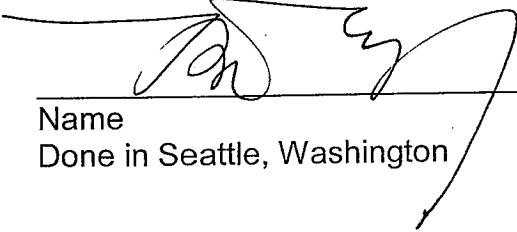
  
Acting Chief Judge

FILED  
COURT OF APPEALS DIV. #1  
STATE OF WY.  
2004 MAY 18 AM 10:59

# CERTIFICATION OF SERVICE

Today I deposited in the mails of the United States of America, a properly stamped and addressed envelope directed to Anthony Bradley, at the following address: DOC# 707050, Larch Correction Center, 15314 NE Dole Valley Road, Yacolt, WA 98675, the petitioner, containing a copy of the State's Supplemental Response to Personal Restraint Petition in In re Bradley, No. 60520-8-1, in the Court of Appeals of the State of Washington.

I certify under penalty of perjury of the laws of the state of Washington that the foregoing is true and correct.

  
\_\_\_\_\_  
Name  
Done in Seattle, Washington

11-08-2007  
\_\_\_\_\_  
Date

RECEIVED  
COURT OF APPEALS  
DIVISION ONE  
NOV 8 2007